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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 9251-9300.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 5, 1921.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

9251. Misbranding of tankage. U. S. * * * v. Swift & Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 11132. I. S. No. 10704-r.)

On December 13, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, having a place of business at Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 1, 1919, from the State of Ohio into the State of Indiana, of a quantity of tankage which was misbranded. The article was labeled in part: "Swift & Company, of Chicago, Ill., Guarantee this Swift's Digester Tankage to contain not less than * * * 60.0 per cent. of crude protein * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 55.6 per cent of crude protein.

Misbranding of the article was alleged in the information for the reason that the following statement appearing on the label, to wit, "* * * to contain not less than * * * 60.0 per cent. of crude protein," was false and misleading in that it represented that said article contained not less than 60 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 60 per cent of crude protein, whereas, in truth and in fact, it contained less than 60 per cent of crude protein.

On March 21, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

E. D. BALL, Acting Secretary of Agriculture.

9252. Misbranding of cottonseed cake. U. S. * * * v. Alston Boyd (Washington Cotton Oil Co.). Plea of guilty. Fine, \$100. (F. & D. No. 11804. I. S. Nos. 11952-r, 11953-r, 11954-r, 11955-r.)

On April 19, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alston Boyd, trading as the Washington Cotton Oil Co., Dallas, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 16, 17, and 18, 1919, from the State of Texas into the State of Kansas, of quantities of cottonseed cake which was misbranded. The article was labeled in part, "Circle X Brand 100 Lbs. Prime Cotton Seed Meal and Cake * * *."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Lbs.," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that each of said sacks contained 100 pounds of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 100 pounds of the article, whereas, in truth and in fact, each of said sacks did not contain 100 pounds of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On June 30, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

E. D. BALL, *Acting Secretary of Agriculture.*

9253. Adulteration and misbranding of Pepso-Laxatone. U. S. * * * v. 8 Dozen, 4 Dozen, and 4 Dozen Bottles * * * of * * * Pepso-Laxatone. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11858, 11859, 11860. I. S. Nos. 8754-r, 8755-r, 8756-r, 8758-r. S. Nos. C-1654, C-1655, C-1656.)

On or about December 29, 1919, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 dozen, 4 dozen, and 4 dozen bottles, more or less, of Pepso-Laxatone, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Burlingame Chemical Co., Los Angeles, Calif., on or about October 31, October 14, and September 22, 1919, respectively, and transported from the State of California into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Pepso-Laxatone Contains 14% Alcohol A Digestant Laxative Pepso-Laxatone is a solution of Pepsin, Diastase, Pancreatin, combined with Lactic and Hydrochloric Acid, to which is added to each fluid ounce 60 grains of fluid extract of Cascara Sagrada * * * An efficient combination of agents for the permanent relief of habitual Constipation, Gastric Disorders and Indigestion. Dose.—One teaspoonful three times a day before meals. Children 5 to 30 drops. Burlingame Chemical Co. Los Angeles, Cal."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution containing essentially pepsin, acids, including hydrochloric acid, licorice, plant extractives, including acid resins, and a trace of cascara, glycerin, sugar, alcohol, water, and essential oils. Diastase and pancreatin were absent.

Adulteration of the article was alleged in the libels for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that said article contained only a trace of fluid extract of cascara sagrada and no diastase nor pancreatin.

Misbranding was alleged in substance for the reason that the statement appearing on the bottle, "Pepso-Laxatone is a solution of Pepsin, Diastase, Pancreatin, combined with Lactic and Hydrochloric Acid, to which is added to each fluid ounce 60 grains of fluid extract of Cascara Sagrada," was false and misleading, and for the further reason that the statement that Pepso-Laxatone is "An efficient combination of agents for the permanent relief of habitual Constipation, Gastric Disorders and Indigestion," was false and fraudulent in that said article contained no ingredient nor combination of ingredients capable of producing the effects claimed.

On February 3, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9254. Adulteration and misbranding of Jersey Cream shorts. U. S. * * *
v. Newport Mill Co., a Corporation. Plea of guilty. Fine, \$100.
(F. & D. No. 12355. I. S. No. 10507-r.)

At the December term of court, 1920, within and for the Eastern District of Tennessee, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Newport Mill Co., a corporation, Loudon, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 23, 1919, from the State of Tennessee into the State of Alabama, of a quantity of Jersey Cream shorts which was adulterated and misbranded. The article was labeled in part, "Jersey Cream Shorts Manufactured by Newport Mill Co. Loudon, Tenn. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 9.50 per cent of protein, 2.63 per cent of fat, and 10.25 per cent of crude fiber. Examination by said Bureau showed the presence of rice hulls, bran tissues, starch from both wheat and corn, and a small amount of ground weed seeds.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, rice hulls, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for shorts, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 13.50 * * * Fat 4.00 Fibre 8.00," and "Composed of Wheat Bran, Wheat Shorts, Wheat Screenings, Corn Bran, Corn Screenings," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 13.50 per cent of protein and 4 per cent of fat, and not more than 8 per cent of fiber, and that said article was composed wholly of wheat bran, wheat shorts, wheat screenings, corn bran, and corn screenings, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article contained not less than 13.50 per cent of protein and 4 per cent of fat, and not more than 8 per cent of fiber, and that it was composed wholly of wheat bran, wheat shorts, wheat screenings, corn bran, and corn screenings, whereas, in truth and in fact, it

contained less protein and fat and more fiber than declared, to wit, approximately 9.50 per cent of protein, 2.63 per cent of fat, and 10.25 per cent of fiber, and said article was not composed wholly of wheat bran, wheat shorts, wheat screenings, corn bran, and corn screenings, but was composed in part of rice hulls.

On December 1, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

E. D. BALL, *Acting Secretary of Agriculture.*

9255. Misbranding of Hobo Kidney and Bladder Remedy. U. S. * * * v. 213 Dozen Bottles and 45 Dozen Bottles * * * of Drug Products. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12432, 12433. I. S. Nos. 9698-r, 9699-r, 9696-r. S. Nos. C-1924, C-1925.)

On May 3, 1920, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 213 dozen bottles and 45 dozen bottles, more or less, of drugs, labeled in part "Hobo Kidney and Bladder Remedy," at Houston, Tex., alleging that the article had been shipped by the Hobo Medicine Mfg. Co., Shreveport, La., the former in part January 30, 1920, and in part February 2, 1920, and the latter on February 26, 1920, and transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * Kidney & Bladder Remedy. A Vegetable Compound Manufactured From Native Herbs * * * Bright's Disease Acute & Chronic Cystitis Renal & Vesical Pus Or Blood In Urine. Incontinence Albuminuria & Ailments Caused From Defective (Kidney & Bladder) Elimination * * * One Of The Greatest Alteratives * * *;" (further labeling on portion of the cartons) " * * * Back Ache, Persistant Head Ache, Dizziness, Forgetfulness, Weakness And Rheumatism When Caused By Disordered Kidneys, The Same Being True Of Inflammation Of The Bladder * * *;" (bottle) "Hobo Kidney & Bladder Remedy * * * A Vegetable Compound for the Treatment of Brights Disease, Acute and Chronic Cystitis, Renal and Vesical Pus or Blood in Urine, Incontinence and Retention, Albuminuria and all Ailments caused from Defective (Kidneys and Bladder) Elimination. * * *;" (booklet) " * * * For nearly three years, Mr. G. D. Horton, * * * was a sufferer from Bright's disease in its most malignant form. * * * Within three days * * * Mr. Horton was greatly improved, and within two months restored to health without any recurrence of the malady in the intervening years. * * * Mr. Horton has named the preparation 'Hobo Kidney And Bladder Remedy.' * * * it not only gave speedy relief to all the tortures which kidney and bladder afflictions entailed, such as incontinuance of urine, gravel in the bladder, irritated glands, backaches, kindred complaints, but that in many instances the cures were absolutely permanent. * * * If your case is of long standing, do not expect one or two bottles to cure you. * * * you must continue to take the medicine—a half dozen, a dozen bottles—yes, until you feel absolutely sure every vestige of your trouble has been removed."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of plant extractives, benzoates, salicylates, and potassium nitrate.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, appearing on the labels of the cartons

and bottles and in the booklet contained in said cartons, regarding the curative and therapeutic effect of the article, were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 4, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8256. Misbranding of Madame Dean Female Pills. U. S. * * * v. 1 Dozen Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13264. I. S. No. 3038-t. S. No. C-2145.)

On August 13, 1920, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 dozen packages of Madame Dean Female Pills, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about May 20, 1920, and transported from the State of Pennsylvania into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and wrapper) "Female Pills * * * give relief in Female Disorders of the Menstrual functions. * * * for Painful, Irregular and Scanty Menstruation;" (booklet) "* * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine functions;" (circular) "* * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation, * * * continue their use until relieved * * * take * * * until the menstrual flow commences again."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of quinine, aloes, ferrous sulphate, senecio flowers and herb, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9257. Misbranding of currants and cherries. U. S. * * * v. Earl W. Puffer. Plea of guilty. Fine, \$50. (F. & D. No. 14044. I. S. Nos. 605-t, 607-t.)

On January 26, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Earl W. Puffer, Bangor, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 22, 1920, from the State of Michigan into the State of Illinois, of quantities of currants and cherries which were misbranded.

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On March 8, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

9258. Misbranding of blackberries. U. S. * * * v. Henry F. Ulbright. Plea of guilty. Fine, \$50. (F. & D. No. 14056. I. S. No. 4619-t.)

On March 10, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry F. Ulbright, Benton Harbor, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 10, 1920, from the State of Michigan into the State of Illinois, of a quantity of blackberries which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

9259. Adulteration and misbranding of currants. U. S. * * * v. 10 Cases * * * of Currants * * * Fairy Blossom Brand. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14138. I. S. No. 7845-t. S. No. E-3035.)

On January 4, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, more or less, of Fairy Blossom Brand currants, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Birdsong Bros., New York, N. Y., alleging that the article had been shipped on or about November 30, 1920, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9260. Adulteration and misbranding of olive oil. U. S. * * * v. 190 Cases, Each Containing 12 Gallon Cans, and 160 Cases, Each Containing 24 Half-Gallon Cans, of * * * Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 11023. I. S. No. 2194-r. S. No. W-445.)

On July 24, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 190 cases, each containing 12 gallon cans, and 160 cases, each containing 24 half-gallon cans, of olive oil, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Strohmeyer & Arpe Co., New York, N. Y., on or about June 21, 1919, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Olio D'Oliva Purissimo Garantito Marca Re Umberto I. Choicest Pure Olive Oil Pure Olive Oil. * * * S. M. Umberto I Re D'Italia Re Umberto I Brand Pure Olive Oil Net Contents 1-gallon" (or "½-gallon"), together with a photo of the King of Italy, medals, flags, and olive branches bearing olives.

Adulteration of the article was alleged in the libel for the reason that Spanish olive oil had been substituted wholly or in part for Italian olive oil, which the article purported to be.

Misbranding was alleged for the reason that the cans containing the article were labeled as aforesaid, which statements, designs, and devices were false and misleading and deceived and misled the purchaser thereof into the belief that the article was olive oil of Italian origin, whereas it was a Spanish olive oil.

On September 16, 1919, the Strohmeyer & Arpe Co. having entered an appearance as claimant for the property, and having confessed that the article was adulterated and misbranded as alleged in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the article be relabeled as prescribed and directed by this department.

E. D. BALL, Acting Secretary of Agriculture.

9261. Misbranding of Bliss Native Herbs. U. S. * * * v. 15 Dozen Boxes of * * * Bliss Native Herbs * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11404. I. S. Nos. 3002-r, 3003-r. S. No. W-496.)

On November 19, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 dozen boxes of Bliss Native Herbs, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Alonzo O. Bliss Medical Co., Washington, D. C., between the dates January 12 and May 1, 1919, and transported from the District of Columbia into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of aloes, buchu, licorice, galangal, and a resin-bearing drug.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part as follows, (outer carton, herb form) " * * * Many of the ills of to-day are due to the present-day mode of life; the nervous

strain, irregularity of habits, indiscretion of diet, etc., are much benefited by the regular use of Bliss Native Herbs, * * *," (inner carton, herb form) " * * * Treatment is the same in all cases except chills, which require three tablespoonfuls the first night, two the next, and then one each night. * * *," (circular contained in all packages) " * * * Auto-Intoxication is a new name for Chronic Intestinal stasis (constipation) that is the cause of 95% of human ailments and diseases. * * * To restrain the growth of harmful bacteria in the intestines and eliminate them, thereby preventing intestinal putrefaction and auto-intoxication we strongly recommend Bliss Native Herbs Tablets that successfully adjusts bowel troubles. Intestinal Indigestion * * * Rheumatism Bliss Native Herbs is invaluable for Sciatica, Lumbago, acute and chronic rheumatic pains, enlargement of joints. Corrects the blood, dissolving acids that accumulate in the system. * * *," which statements and claims were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9262. Misbranding of Benetol Vaginal Suppositories. U. S. * * * v. 33 Boxes of * * * Benetol Vaginal Suppositories Number 2 and 24 Boxes and 6 Boxes of * * * Benetol Vaginal Suppositories * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11490, 11575. I. S. Nos. 3011-r, 3012-r. S. Nos. W-525, W-530.)

On November 7, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 33 boxes of Benetol Vaginal Suppositories Number 2 and 24 boxes and 6 boxes of Benetol Vaginal Suppositories, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Benetol Co., Minneapolis, Minn., between the dates May 14 and September 29, 1919, and transported from the State of Minnesota into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the suppositories consisted essentially of alpha- and beta-naphthol, boric acid, and traces of menthol and phenol in a cacao butter base.

It was alleged in substance in the libel that the article was misbranded for the reason that certain statements regarding the therapeutic effects of said article, appearing on the box label and in an accompanying booklet, falsely and fraudulently represented it to be effective for the treatment of the special diseases of women, to be effective when used in the vagina as a general disinfectant and local tonic, and for the treatment of leucorrhea (whites), vaginitis, vulvitis, cervicitis, endometritis, gonorrhea, and all diseases of the vagina, and for inflammation or irritation of the cervix (mouth of the womb), when, in fact and in truth, it was not effective for the treatment of the diseases and conditions named.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9263. Misbranding of Sirop D'Anis (Syrup of Anise). U. S. * * * v. Certain Bottles of Sirop D'Anis. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12835 to 12840, inclusive, 12852 to 12860, inclusive, 12983. I. S. Nos. 451-r, 445-r, 453-r, 467-r, 465-r, 456-r, 454-r, 462-r, 1131-r, 448-r, 447-r, 466-r, 463-r, 460-r, 459-r, 458-r. S. Nos. E-2325 to E-2330, inclusive, E-2346 to E-2348, inclusive, E-2351 to E-2356, inclusive, E-2405.)

On June 12 and 29, 1920, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain bottles of Sirop D'Anis, remaining unsold in the original unbroken packages at various places in Connecticut, and on August 24, 1920, filed amended libels in certain instances, alleging that the article had been shipped by J. A. E. Gauvin, Lowell, Mass., between the dates June 7, 1918, and May 21, 1920, and transported from the State of Massachusetts into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Bottles) " * * * For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition. * * *," (French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Sleeplessness, Coughs, Colds, etc. * * *." The remainder of the article was labeled in part: (Bottles) " * * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful. * * *." All consignments of the article were further labeled in part: (Wrapper) " * * * For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc. * * *," (French) " * * * For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc.;" (circular) " * * * (For Babies) * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness. Recommended for babies and children when the process of dentition is painful. * * *," (French) " * * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Colds and Chills (Refrroidissements). Recommended for babies and children when dentition is painful and when wanting sleep. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of morphine acetate, oil of anise, alcohol, sugar, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, regarding the therapeutic and curative effect of said article, were false, fraudulent, and misleading, and were applied to said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article was composed of or contained ingredients or medicinal agents effective as a remedy for colic, dysentery, diarrhea, coughs, colds, etc., when, in truth and in fact, it was not composed of and did not contain ingredients effective for the purposes named.

On September 15 and October 26, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9264. Adulteration of tomato catsup. U. S. * * * v. 82 Cases * * * of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12898. I. S. Nos. 24450-r, 9808-r. S. No. C-1958.)

On July 29, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 82 cases, more or less, of tomato catsup, consigned by the Owensboro Conserve Co., Owensboro, Ky., on or about November 19, 1919, remaining unsold in the original packages at Columbus, Ohio, alleging that the article had been shipped from Owensboro, Ky., and transported from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Contains No Benzoate Of Soda Or Artificial Color. Ritter Pure Whole Tomato Catsup Made by P. J. Ritter Company, Phila., Pa. Contains 12 Oz. Net Avd. Made From Whole Ripe Tomatoes, Spices, Vinegar, Onions, Salt and Sugar."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9265. Adulteration of turpentine. U. S. * * * v. The Dill Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14050. I. S. Nos. 17406-r, 17465-r.)

On April 11, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Dill Co., a corporation, Norristown, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 1 and 26, 1919, from the State of Pennsylvania into the States of West Virginia and Virginia, respectively, of quantities of turpentine which was adulterated. The article was labeled in part, "* * * Dill's TDCo Brand Spirits of Turpentine * * * Distributed By The Dill Company, Norristown, Pa."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that on treating with fuming sulphuric acid there remained unattacked 5.2 per cent and 4.5 per cent, respectively, of the original quantity of oil taken, instead of 1 per cent, as specified by the United States Pharmacopœia. This residue was colorless, limpid, and had a refractive index of 1.4480 and 1.4516, respectively. On treating portions of the samples with hydrochloric acid dark-brown colors developed immediately. These results indicated the presence of approximately 5 per cent of mineral oil.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by tests laid down in said Pharmacopœia, official at the time of the investigation, in that said Pharmacopœia prescribed that spirits of turpentine should be the volatile oil distilled with water from the concrete oleoresin obtained from *Pinus palustris* Miller or from other species of *Pinus*, whereas the article was not volatile oil distilled with water from the concrete oleoresin obtained from *Pinus palustris* Miller or from other species of *Pinus*, but was a product composed in part of mineral oil; and the said Pharmacopœia provided that

spirits of turpentine when shaken vigorously with an equal volume of hydrochloric acid in a test tube and allowed to stand for a few minutes should not produce a brownish or greenish color, whereas said article when shaken vigorously with an equal volume of hydrochloric acid in a test tube and allowed to stand for a few minutes produced a brownish color; and the standard of the strength, quality, and purity of the said article was not declared on the containers thereof.

On April 11, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

9266. Adulteration of tomato catsup. U. S. * * * v. 948 Cases * * * of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14198. I. S. No. 1712-t. S. No. C-2695.)

On January 18, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 948 cases, more or less, consisting of 800 cases, more or less, containing eight-ounce bottles and 148 cases, more or less, containing sixteen-ounce bottles, of tomato catsup, at Houston, Tex., alleging that the article had been shipped by the Serv-US Pure Food Co., Mound City, Ill., on or about October 15, 1920, and transported from the State of Illinois into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Serv-US Brand Tomato Catsup * * * Serv-US Grocery Products Corporation, Distributors, New York, Chicago, U. S. A. We guarantee the catsup to be absolutely pure and free from artificial coloring."

It was alleged in substance in the libel that the article was adulterated in violation of section 7, paragraph 6, under "Food," of the Food and Drugs Act, in that said article was filthy, decomposed, and putrid.

On March 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9267. Adulteration of Creole Dinner. U. S. * * * v. 20 Cases * * * of Creole Dinner. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14239. I. S. No. 12755-t. S. No. C-2736.)

On January 24, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases, more or less, of Creole Dinner, at Houston, Tex., alleging that the article had been shipped by the McIlhenny Co., New Iberia, La., on or about November 8, 1920, and transported from the State of Louisiana into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Creole Dinner Net Contents 10 Ounces. * * * Packed By McIlhenny Co., Avery Island, La."

It was alleged in substance in the libel that the article was adulterated in violation of section 7, paragraph 6, under "Food," of the Food and Drugs Act, in that it was filthy, decomposed, and putrid.

On March 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9268. Adulteration of coal-tar color. U. S. * * * v. 3 1-Pound Cans * * * of * * * Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14389. I. S. Nos. 4751-t, 4752-t, 4753-t. S. No. C-2754.)

On February 8, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 1-pound cans, more or less, of coal-tar color, at Houston, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about April 24, 1920, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: " * * * W. B. Wood Mfg. Co., Manufacturing Chemists 106 So. 4th Street, St. Louis, Mo. Green" (or "Blue" or "Purple") " $\frac{1}{2}$ pound Soluble in 1 gallon warm water. Do not use boiling water."

Adulteration of each of the 3 cans of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article. Adulteration was alleged with respect to the can containing the purple coloring for the further reason that it contained an added poisonous or deleterious ingredient, arsenic, which might render said article injurious to health.

On March 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9269. Misbranding of Joyner's Gui-A-Col Compound. U. S. * * * v. 47 Bottles of * * * Joyner's Gui-A-Col Compound * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14498. Inv. No. 25775. S. No. E-3151.)

On February 28, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 47 bottles of Joyner's Gui-A-Col Compound, consigned on January 7, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Williams-Ellis Drug Co., Inc., Norfolk, Va., and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of guaiacol, an iodid, sugar, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effect of said article, (carton) "An Excellent Remedy For * * * Hoarseness, Sore Throat, * * * Whooping Cough, * * * Consumption And All Affections Of The Throat, Chest And Lungs * * * allays Inflammation of the Throat, Chest, Lungs and Bronchial Tubes. Perfectly Harmless. * * * used with splendid results. * * * remedy for all diseases of the Throat, Chest and Lungs; and will relieve when other remedies fail. One bottle gives immediate relief, and it is warranted to give satisfaction, * * *," (bottle) "An Excellent Remedy For * * * Croup, Hoarseness, Sore Throat, * * * Whooping Cough, * * * Soreness in the Chest, and all affections of the Throat, Chest and Lungs. * * *," were false and fraudulent since the article contained no

ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the label bore the statement, "Guaranteed by The Gui-A-Col Medicine Co., Inc., under the Food and Drugs Act, June 30, 1906, No. 34307," which statement was false and misleading.

On April 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9270. Misbranding of grapes. U. S. * * * v. Harry W. Hall. Plea of guilty. Fine, \$25. (F. & D. No. 12316. I. S. No. 17333-r.)

On August 24, 1920, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry W. Hall, Himrod, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 4, 1919, from the State of New York into the District of Columbia, of a quantity of grapes which were misbranded. The article was labeled in part: "3 Lbs. Net Seneca Lake Catawba Grapes Packed For Harry W. Hall, Himrod, N. Y."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "3 Lbs. Net," borne on the labels attached to the baskets containing the article, regarding the article, was false and misleading in that it represented that said baskets each contained 3 pounds net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said baskets contained 3 pounds net thereof, whereas, in truth and in fact, each of said baskets contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 14, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

9271. Misbranding of Gauvin's Cough Syrup. U. S. * * * v. 59½ Dozen, 30, 1 Gross, 34, and 3 Dozen Bottles of Gauvin's Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12841, 12842, 12843, 12844, 12845. I. S. Nos. 464-r, 468-r, 446-r, 452-r, 450-r. S. Nos. E-2335, E-2336, E-2337, E-2338, E-2339.)

On June 12, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 59½ dozen bottles, 30 bottles, 1 gross bottles, 34 bottles, and 3 dozen bottles, respectively, of Gauvin's Cough Syrup, remaining unsold in the original unbroken packages at Waterbury, Norwich, and Willimantic, Conn., alleging that the article had been shipped by J. A. E. Gauvin, Lowell, Mass., on or about August 7 and 23, 1919, February 19, 1920, and June 24, 1920 [1918], and transported from the State of Massachusetts into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Bottle) "* * * For * * * 'La Grippe,' Whooping Cough & all other affections of the Throat & Lungs;" (carton, in English and French) "* * * Recommended For * * * 'La Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung

Diseases;" (circular) " * * * * Successfully used in all affections of the Throat, Bronchi, and Lungs. * * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * * Tuberculosis * * * * ailments of the Chest; * * * * Spasmodic Coughs * * * *," (in French " * * * * Used against all affections of the throat, bronchi and lungs * * * * Gauvin's Cough Syrup is fully indicated for treatment of the most serious cases of colds, bronchitis, the most obstinate catarrhs, asthma, whooping cough, grippe, hoarseness, influenza and the first stages of consumption * * * * tuberculosis and * * * * epidemic grippe * * * * diseases of the chest * * * * gastric disorders * * * *." The remainder of the article was labeled in part: (Bottle) " * * * * For 'La Grippe,' Whooping-Cough & all Affections of the Throat & Lungs, * * * *;" (carton, in English and French) " * * * * Recommended For * * * * 'La Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * * for all diseases of the Respiratory Organs * * * *;" (circular, in English and French) " * * * * the greatest possibilities of a radical cure. * * * * highly recommended for all Affections Of The Respiratory Organs. * * * * its persistent use produces a beneficial relief in serious as well as desperate cases. * * * * a remedy for all Affections of the Respiratory Organs: Throat, Bronchial Tubes and Lungs. * * * * the use of Gauvin's Syrup in the treatment of more severe cases of * * * * Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proven conclusively the efficacy of this remedy. * * * * especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, * * * * it will relieve the worst cases. * * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the therapeutic and curative effects thereof were false, fraudulent, and misleading, and were applied to said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article was composed of or contained ingredients or medicinal agents effective as a remedy for la grippe, whooping cough, catarrh, asthma, influenza, etc., when, in truth and in fact, it was not composed of and did not contain ingredients effective for the purposes named.

On September 15 and October 28, 1920, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9272. Adulteration of tomato purée. U. S. * * * v. 93 Cases * * * of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12865. I. S. No. 9136-r. S. No. C-1954.)

On June 9, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 93 cases of tomato purée, at Chicago, Ill., alleging that the article had been shipped by the Lapel Canning Co., Lapel, Ind., on February 28, 1920, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9273. Misbranding of Texas Wonder. U. S. * * * v. 259 Bottles * * * of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12867. I. S. No. 6005-r. S. No. C-1956.)

On or about June 8, 1920, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 259 bottles, more or less, of Texas Wonder, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., part on or about March 29, 1920, and part on or about April 17, 1920, and transported from the State of Missouri into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Texas Wonder * * * E. W. Hall, Sole Manufacturer St. Louis, Mo."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the packages and cartons bore and contained the following statements regarding the curative and therapeutic effect of said article, (carton) "A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children," (circular headed "Read Carefully") " * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved * * *," which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 5, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9274. Misbranding of red kidney beans. U. S. * * * v. Edward P. Ray, John Westing, and Peter Westing (New Era Canning Co.). Pleas of guilty. Fine, \$300. (F. & D. No. 12900. I. S. Nos. 8553-r, 8557-r.)

On January 26, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward P. Ray, John Westing, and Peter Westing, trading as the New Era Canning Co., New Era, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 23 and November 13, 1919, from the State of Michigan into the State of Illinois, of a quantity of red kidney beans which were adulterated. The article was labeled in part: "New Era Brand * * * Red Kidney Beans * * * Packed By New Era Canning Co., New Era, Mich."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained 25.7 per cent and 49.4 per cent, respectively, of decomposed beans, and that it had a musty odor and taste.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On April 7, 1921, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$300.

E. D. BALL, *Acting Secretary of Agriculture.*

9275. Misbranding of American Hog Remedy and American Stock Tonic.
 U. S. * * * v. 11 Packages * * * of American Hog Remedy
 and 11 Packages * * * of American Stock Tonic. Default de-
 cree of condemnation, forfeiture, and destruction. (F. & D. No.
 12908. I. S. Nos. 8173-r, 8175-r. S. Nos. C-1959, C-1960.)

On June 14, 1920, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 packages, more or less, of American Hog Remedy and 11 packages, more or less, of American Stock Tonic, remaining in the original packages at Galesburg, Ill., alleging that the articles had been shipped by the American Remedy Co., Tiffin, Ohio, on or about December 10, 1919, and transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part: (American Hog Remedy) (carton) "A Concentrated Remedy For Swine Recommended especially for Hogs, Purifies the Blood, * * * Do Not Be Deceived! Hogs require entirely distinct compound from other domestic animals. It is absurd to believe that ordinary Stock Remedy will cure and prevent Hog Cholera * * * The required dose for a hog of any scientific compound, containing the ingredients required to cure and prevent contagion among swine, * * * Directions * * * For Hog Cholera—As soon as you notice that Hog Cholera has begun on your herd, * * * Give from two to three tablespoonfuls of American Hog Remedy * * * If already diseased increase at once to three or even four tablespoonfuls * * *;" (American Stock Tonic) (carton) "A valuable remedy in the treatment of diseases peculiar to Horses, Cattle, Sheep and Hogs, such as Coughs, * * * Lung Fever, * * * Founder, * * * Diseases of the Stomach, Kidneys and Urinary Organs and all diseases arising from impure blood. * * * Begin using American Stock Tonic during the early stages of any disease. Follow directions carefully and you will seldom have to call a veterinarian. * * * Keep this product at hand and you can feel reasonably certain that you will not lose any of your live stock from disease. Directions * * * For Hogs: Give a tablespoonful of American Stock Tonic with feed or slop twice per day for each hog. This will * * * prevent disease, * * * Hog Cholera: * * * For Worms: * * * For Heaves In Horses: * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the hog remedy consisted essentially of ground charcoal, peanut shells, sodium chlorid, and ferrous sulphate, with small amounts of Epsom salts, sulphur, iron oxid, American wormseed, nux vomica, and quassia, and that the stock tonic consisted essentially of charcoal, peanut shells, sodium chlorid, and ferrous sulphate, with small amounts of nux vomica, quassia, sulphur, American wormseed, and brown mustard.

Misbranding of the articles was alleged in substance in the libel for the reason that the above-quoted statements contained in the labels, regarding the curative and therapeutic effects, were false and fraudulent, since the articles contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9276. Adulteration and misbranding of egg noodles. U. S. * * * v. 25 Cases * * * of Alleged Egg Noodles. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12972. I. S. No. 3263-r. S. No. W-619.)

On June 24, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of egg noodles, remaining in the original unbroken packages at San Francisco, Calif., consigned by F. A. Martoccio Co., Minneapolis, Minn., alleging that the article had been shipped on April 2, 1919, and transported from the State of Minnesota into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "* * * Quality Brand Egg Noodles F. A. Martoccio Macaroni Co., Minneapolis, Minn."

Adulteration of the article was alleged in the libel for the reason that a product deficient in egg solids had been mixed and packed with, and substituted wholly or in part for, egg noodles.

Misbranding was alleged for the reason that the statement, "Egg Noodles," was false and misleading and deceived and misled the purchaser when applied to said product, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On October 6, 1920, the F. A. Martoccio Macaroni Co., Minneapolis, Minn., having entered an appearance as claimant for the property and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product be relabeled, under the supervision of this department, as "Plain Noodles" or "Water Noodles."

E. D. BALL, *Acting Secretary of Agriculture.*

9277. Misbranding of American Hog Remedy and American Stock Tonic. U. S. * * * v. Certain Packages of American Hog Remedy and American Stock Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13022 to 13029, inclusive. I. S. Nos. 9912-r to 9923-r, inclusive, 8267-r to 8270-r, inclusive. S. Nos. C-2017 to C-2032, inclusive.)

On July 16 and 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain packages of American Hog Remedy and American Stock Tonic, at various places in Illinois, alleging that the articles had been shipped by the American Remedy Co., Tiffin, Ohio, between the dates December 18, 1919, and January 17, 1920, and transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the hog remedy consisted essentially of ground charcoal, peanut shells, sodium chlorid, and ferrous sulphate, with small amounts of sulphur, Epsom salts, iron oxid, American wormseed, nux vomica, and quassia,

and that the stock tonic consisted essentially of charcoal, peanut shells, sodium chlorid, and ferrous sulphate, with small amounts of sulphur, American wormseed, nux vomica, quassia, and brown mustard.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effect of said articles, appearing on the cartons inclosing each of said packages, to wit, (American Hog Remedy) "A Concentrated Remedy For Swine Recommended especially for Hogs. Purifies the blood, * * * Do Not Be Deceived. Hogs require entirely distinct compound from other domestic animals. It is absurd to believe that ordinary Stock Remedy will cure and prevent Hog Cholera * * * The required dose for a hog of any scientific compound, containing the ingredients required to cure and prevent contagion among swine, * * * Directions * * * For Hog Cholera—As soon as you notice that Hog Cholera has begun on your herd, * * * Give from two of three tablespoonfuls of American Hog Remedy * * * If already diseased increase at once to three or even four tablespoonfuls * * *," (American Stock Tonic) "A valuable remedy in the treatment of diseases peculiar to Horses, Cattle, Sheep, and Hogs, such as Coughs * * * Lung Fever, * * * Founder, * * * Diseases of the Stomach, Kidneys, and Urinary Organs and all diseases arising from impure blood. * * * Begin using American Stock Tonic during the early stages of any disease. Follow directions carefully and you will seldom have to call a veterinarian. * * * Keep this product at hand and you can feel reasonably certain that you will not lose any of your live stock from disease. Directions * * * For Hogs: Give a tablespoonful of American Stock Tonic with feed or slop twice per day for each hog. This will * * * prevent disease, * * * For Hog Cholera: * * * For Worms: * * * For Heaves In Horses: * * *," were false and fraudulent in that the articles were not in whole or in part composed of and did not contain ingredients or medicinal agents or combinations of ingredients effective as a remedy for the various diseases, ailments, and affections mentioned on the cartons as aforesaid.

On November 22, 1920, and March 16, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9278. Misbranding of Texas Wonder. U. S. * * * v. 3 Dozen and 3 Dozen Bottles * * * of * * * Texas Wonder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13100, 13101. S. Nos. C-2047, C-2048.)

On July 22, 1920, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 dozen and 3 dozen bottles of Texas Wonder, consigned by G. Nash, St. Louis, Mo., on or about July 14, 1920, remaining unsold in the original packages at Paducah, Ky., alleging that the article had been transported from the State of Missouri into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Hall's Texas Wonder;" (carton) "Recommended For Kidney and Bladder Troubles When Operation Not Required. Weak or Lame Backs. Rheumatism, Gravel and Bladder Troubles in Children."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

It was alleged in substance in the libels that the article was misbranded in that its package or label bore and contained the above-quoted false and fraudulent statements regarding the curative or therapeutic effect of said article.

On November 15, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9279. Misbranding of Kellogg's Sanitone Wafers. U. S. * * * v. 2 Dozen Packages of Kellogg's Sanitone Wafers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13341. I. S. No. 3031-t. S. No. C-2109.)

On August 16, 1920, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen packages of Kellogg's Sanitone Wafers, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the F. J. Kellogg Co., Battle Creek, Mich., on or about November 15, 1919, and transported from the State of Michigan into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "The Uses Of Chromium Sulphate in Medicine. * * * We recommend and advise you to give Kellogg's Sanitone Wafers a fair, persistent trial in any of the diseases or troubles mentioned in the above article. * * * cystitis * * * prostatic enlargements * * * uterine fibroid tumors * * * Herpes preputialis * * * Cirrhosis of the female breast, castration, menopause, functional impotency in men, chronic alcoholism, nervous vomiting and vomiting in pregnancy, * * * neurasthenia, exophthalmic goiter, and locomotor ataxia are of particular interest and importance. Results from this salt [chromium sulphate] are speedy and striking. In * * * neurasthenia it deserves the unique position of being the only drug which is curative, * * * Locomotor ataxia is curable with chromium sulphate. * * * Wafers have Chromium Sulphate as their chief ingredient."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the wafers consisted essentially of salts of iron and chromium, capsicum, a laxative plant drug, and a trace of strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effects of said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 25, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9280. Misbranding of Nerv-Mintz. U. S. * * * v. Nerv-Mintz (One Dozen Packages). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13495. I. S. No. 3029-t. S. No. C-2136.)

On August 27, 1920, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one dozen packages of Nerv-Mintz, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Earle Chemical Co., Wheeling, W. Va., on or about March 8, 1920, and transported from the State of West Virginia into the State of Ten-

nesssee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Nerv-Mintz, Nerve and Energy Tablets, especially a nerve strengthener * * * soothe and quiet the nerves * * * used for the relief of nervousness, loss of vigor, energy and ambition, lack of confidence, sleeplessness, trembling, nervelessness, shifty gait, shattered nerves, exhausted or weakened vitality, mental depression, numbness, weakening habits * * * and all overworked and unstrung nerves, induced by fast living and other excesses * * * useful in the treatment of nervous conditions which follow too strenuous living, mental and physical fatigue, and other excesses;" (circular) "Nerv-Mintz for Nervous Debility * * * exceptionally efficient in the treatment of nervousness, loss of vigor, energy, and ambition, lack of confidence, sleeplessness, shifty gait, shattered nerves, weakened or exhausted vitality, mental or physical depression, weakening habits * * * and for all over-worked and unstrung nerves induced by fast living and other excesses * * * to all those who * * * suffer from the effects of fast living, over-work and the drains of present day strenuous excesses, Nerv-Mintz prove most wonderful rejuvenators, restoring the lost vitality, you perhaps had thought was gone forever. Generally results are quick * * * Keep up the treatment * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of zinc phosphid, nux vomica, saw palmetto, capsicum, and aloin.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effects of said article, appearing on the box label and in the circular, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9281. Misbranding of Wendell's Ambition Brand Pills. U. S. * * * v. 144, 96, and 216 60-Cent Size Packages, 36 \$1 Size Packages, and 36 \$1.20 Size Packages * * * of * * * Wendell's Ambition Brand Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13635, 13636, 13637. I. S. No. 24610-r. Inv. Nos. 26429, 26472, 26473. S. Nos. C-2462, C-2465, C-2466.)

On September 9, 1920, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain packages of Wendell's Ambition Brand Pills, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that 144 packages and 96 packages, sixty-cent size, of said product had been shipped on or about June 26, 1920, and that 216 packages, sixty-cent size, 36 packages, \$1 size, and 36 packages, \$1.20 size, of said product had been shipped on or about February 29, April 26, and June 15, 1920, respectively, by the Wendell Pharmacal Co., Inc., Syracuse, N. Y., and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Packages) "Wendell's Ambition Brand Pills;" (cartons) " * * * Pills Ambition Brand Beneficial in the treatment of * * * Nervous Debility, Sleeplessness, Despondency, Mental Depression, Hysteria, Nervous Headaches, Dyspepsia, Indigestion, * * * Affections of the Nervous System."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of nux vomica, quinine, and aloin.

It was alleged in substance in the libels that the article was misbranded in that the above-quoted statements were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects set forth in said statements.

On November 2, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9282. Adulteration and misbranding of Extra Dry Champagne and Sparkling Burgundy. U. S. * * * v. 5 Cases of Extra Dry Champagne * * * and 5 Cases of Sparkling Burgundy * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13779. I. S. Nos. 12705-t, 12706-t. S. No. C-2554.)

On October 30, 1920, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 cases of Extra Dry Champagne and 5 cases of Sparkling Burgundy, respectively, remaining in the original unbroken cases at Nashville, Tenn., alleging that the articles had been shipped by H. G. Mumm & Co., New York, N. Y., on or about June 19, 1920, and transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "H. G. Mumm & Co. Extra Dry Champagne Non-Alcoholic H. G. Mumm & Co. Distributors American Importation Bordeaux France, New York, Chicago;" "H. G. Mumm & Co. Sparkling Burgundy Non-Alcoholic P. J. De Centaur Bordeaux, France, H. G. Mumm & Co. New York and Chicago."

Adulteration of the articles was alleged in the libels for the reason that an artificially carbonated imitation wine had been mixed and packed with and substituted wholly for the articles. Adulteration of the Sparkling Burgundy was alleged for the further reason that it was colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the packages or labels bore the statements, "H. G. Mumm & Co. Extra Dry Champagne," or "H. G. Mumm & Co. Sparkling Burgundy," as the case might be, which statements were false and misleading and deceived and misled the purchaser, for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, and for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 18 and March 2, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9283. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 268 Cases of * * * Canned Tomatoes. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. No. 13794. I. S. No. 7493-t. S. No. E-2831.)

On October 18, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure

and condemnation of 268 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Roland Webster, Hurlock, Md., on or about June 8, 1920, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Baby Brand Tomatoes Packed With Care * * * Packed by Roland Webster Hurlock, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, tomato pulp, had been mixed and packed with and substituted in part for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the label bore the statement, regarding the article and the ingredients and substances contained therein, to wit, "Baby Brand Tomatoes," together with a design of a whole ripe tomato, which statement and design were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, canned tomatoes.

On April 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels be stripped from the cans containing the article, and that the product be delivered for consumption and not for sale to the Salvation Army at their headquarters in New York City.

E. D. BALL, *Acting Secretary of Agriculture.*

9284. Adulteration and misbranding of lithia water. U. S. * * * v. 7½ Cases of * * * Alleged * * * Lithia Water. Default decree of destruction. (F. & D. No. 13868. I. S. No. 6451-t. S. No. E-2850.)

On November 17, 1920, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7½ cases of alleged lithia water, at Troy, N. Y., alleging that the article had been shipped by the Equinox Mountain Spring, Inc., Manchester, Vt., on or about August 13, 1920, and transported from the State of Vermont into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Equinox Equinox Spring Co. Manchester Vermont. The Equinox Mountain Spring Inc. * * * Equinox Lithia Water Artificially Carbonated Bottled At Equinox Springs Manchester, Vermont, U. S. A. * * *."

Adulteration of the article was alleged in the libel for the reason that an artificially prepared mineral water had been substituted wholly or in part for natural lithia water.

Misbranding was alleged in substance for the reason that the above-quoted statements on the label were false and fraudulent (misleading) and deceived and misled the purchaser into the belief that the article was lithia water, whereas it was not lithia water but simply a lightly mineralized spring water to which had been added certain salts in an attempt to make artificially a product which should simulate genuine lithia water. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On March 28, 1921, no claimant having appeared for the property, judgment was entered ordering the destruction of the product by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9285. Adulteration and misbranding of canned tomatoes. U. S. * * * v. Charles Webster. Plea of nolo contendere. Fine, \$60 and costs. (F. & D. No. 13884. I. S. Nos. 15904-r, 15125-r, 13089-r, 13185-r.)

On March 18, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Webster, trading at East New Market and Sharptown, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 13, 24, and 5, and September 29, 1919, respectively, from the State of Maryland into the States of Massachusetts, New York, and Pennsylvania, of quantities of canned tomatoes which were adulterated and misbranded. The article was labeled in part: "Rose Hill Brand" (design of red tomato) "Tomatoes * * * Packed By Chas. Webster At East New Market, Dorchester Co., Md."

Examination by the Bureau of Chemistry of this department of a sample taken from each of the four consignments showed that the product contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," together with the design and device of a red tomato, borne on the labels attached to the cans containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article consisted wholly of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas, in truth and in fact, it did not consist wholly of tomatoes, but did consist in part of added water.

On March 18, 1921, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$60 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9286. Adulteration of oysters. U. S. * * * v. Arthur T. Cheek. Collateral of \$25 forfeited. (F. & D. No. 13936. I. S. No. 17396-r.)

On March 7, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Arthur T. Cheek, Washington, D. C., alleging that on February 6, 1920, the said defendant did offer for sale and sell at the District aforesaid, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for oysters, which the article purported to be, and for the further reason that a valuable constituent of said article, to wit, oyster solids, had been wholly or in part abstracted.

On March 7, 1921, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was ordered forfeited by the court.

E. D. BALL, *Acting Secretary of Agriculture.*

9287. Adulteration of shelled peanuts. U. S. * * * v. 165 Bags * * *
of Shelled Peanuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14010. I. S. No. 1992-t. S. No. C-2612.)

On December 11, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 165 bags, more or less, of shelled peanuts, at Chicago, Ill., alleging that the article had been shipped by Habicht & Co., Seattle, Wash., on October 13, 1919, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On or about March 25, 1921, the Bunte Bros., claimant, having admitted the material allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the goods might be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, and the bad portion destroyed or sold for some purpose other than as human food.

E. D. BALL, *Acting Secretary of Agriculture.*

9288. Adulteration of tomato purée. U. S. * * * v. 8,094 Cans * * *
of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14021. I. S. No. 4053-t. S. No. C-2605.)

On December 14, 1920, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8,094 cans, more or less, of tomato purée, remaining unsold in the original unbroken packages at Fremont, Mich., originally shipped on November 19, 1918, by Jaqua & Co., the packer of the goods, from Winchester, Ind., to Chicago, Ill., alleging that the article had been shipped on or about January 1, 1919, and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole and in part of a decomposed, filthy, and putrid vegetable substance, namely, decomposed tomatoes and tomato pulp and parts thereof.

On March 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9289. Adulteration of tomato purée. U. S. * * * v. 1,162 Cases * * *
of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14023. I. S. No. 4054-t. S. No. C-2609.)

On December 14, 1920, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,162 cases, more or less, of tomato purée, remaining unsold in the original unbroken packages at Fremont, Mich., alleging that the article had been shipped by the Morgantown Packing Co., Morgantown, Ind., on or about September 3, 1919, and transported from the State of Indiana into the

State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole and in part of a decomposed, filthy, and putrid vegetable substance, namely, decomposed tomatoes and tomato pulp and parts thereof.

On March 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9290. Misbranding of Newton's Eggno. U. S. * * * v. Newton Tea & Spice Co., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$200 and costs. Pending on appeal in Circuit Court of Appeals. (F. & D. No. 11123. I. S. No. 15473-r.)

On November 26, 1919, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Newton Tea & Spice Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 22, 1918, from the State of Ohio into the State of West Virginia, of a quantity of Newton's Eggno which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted largely of rice starch, skim milk powder, and milk casein or albumen, artificially colored with a coal-tar dye, with possibly a small amount of egg powder present. Microscopic examination by the said bureau showed a large amount of rice starch present. Baking tests made by the said bureau showed that cakes made with Eggno were no better in volume or quality than cakes made with water with no egg, inferior in volume to cakes made with skim milk without egg, and in no measure comparable in volume or quality to cakes made with equivalent amount of eggs, as claimed in the labeling of the article.

Misbranding of the article was alleged in substance in the information for the reason that certain statements concerning the said article and the constituents and uses thereof, appearing on the labeling of the carton containing the article and in an inclosed circular, to wit, (carton) " * * * To Be Used In Place Of Eggs In Baking And Cooking * * * An Excellent substitute For Eggs * * * to be Used for Baking and Cooking purposes. * * * Eggno contains the constituents that cause fresh eggs to fill such an important place * * * one even teaspoonful is to be used in place of each egg called for in recipes * * * Use a teaspoonful for each egg called for * * *," (circular) "To Take the Place of Eggs in Baking and Cooking * * * Takes The Place Of Fresh Eggs * * * The Contents of a 25-cent Package Can Be Used in Place of Three Dozen Fresh Eggs * * * The Real Substitute For Eggs * * *," together with a design of chickens with the statement, "We have lost our job * * * To Take the Place of Eggs in Baking and Cooking," appearing on an inclosed poster, were false and misleading in that they represented to purchasers of said article that the same was a substitute for eggs, and could be used in place of eggs for baking and cooking, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was a substitute for eggs, and could be used in place of eggs in baking and cooking, whereas, in fact and in truth, the article was not a substitute for eggs, nor could the same be used in place of eggs in baking and cooking.

On December 9, 1919, a motion to quash the information was filed by the defendant. On January 17, 1920, the motion to quash was argued and submitted to the court, and on January 21, 1920, the court overruled said motion as will more fully appear from the following decision (Peck, *D. J.*):

The defendant, upon the filing of the information, voluntarily appeared thereto and moved to quash the same, upon the grounds, first, that the information is indefinite and does not apprise the defendant of the facts constituting the alleged crime with such certainty and particularity as to enable the defendant to know what it has to meet; second, the information attempts to charge the defendant with the commission of a crime by way of argument and conclusion; and third, the court has no jurisdiction.

First. The information is brought under the Food and Drugs Act of Congress, June 30, 1906 (34 Statutes at Large, 768), and charges the defendant with shipping in interstate commerce fifty cases of an article designed for food, known as "Newton's Eggno," which the information alleges was labeled to read: "An excellent substitute for eggs * * * to be used for baking and cooking purposes * * * an article of real merit and far superior to the usual egg substitutes on the market. * * * composed of pure materials * * * one even teaspoonful to be used in place of each egg called for in recipes requiring eggs," with directions for using and place of manufacture. A poster and a circular are alleged to have been inclosed within the package, making like representations; but the contents of these, even if false, can not be considered as violations of the act. *United States v. American Druggists Syndicate*, 186 Fed. 387.

The information further alleges that the aforesaid statements of the label were false and misleading in that they represented to the purchasers that the article was a substitute for eggs and could be used in place of eggs for cooking and baking, whereas, in truth, said article was not then and there a substitute for eggs, nor could the same be used in place of eggs for baking and cooking.

The defendant contends that the information is deficient in that it does not set forth why, or in what manner, the article can not be used as a substitute for eggs in baking and cooking.

The statements of the label above set forth were evidently designed to lead the ordinary housewife to believe that the contents of the package could be used in substitution for eggs in the ordinary preparation of food. The information expressly negatives the usefulness of the article for that purpose. It would seem, therefore, to be entirely sufficient to draw the issue upon that question, and, therefore, the motion in this respect is not well taken.

This disposes of the first and second grounds assigned.

Third. Defendant contends that the court has no jurisdiction over the subject-matter, for the reason that the information does not state an offense within the terms of the act. In support of this contention it is argued that the article comes within the proviso of the fourth subsection of section 8 of the act, by which it is provided that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in case, first, of mixtures or compounds which may now, or from time to time hereafter, be known as articles of food under their own distinctive names and not in imitation of, or offered for sale under the distinctive name of, another article if the name be accompanied on the label or brand with a statement of the place where said article has been manufactured or produced; and, second, in the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends. Even though we assume it to be the duty of the pleader under this act to negative the terms of the proviso, or assume that the article in question is shown by the label to be a mixture or compound known as an article of food under its own distinctive name, not alleged to be in imitation of another, nevertheless the protection afforded by this proviso goes only to the branding or name of the article, and does not furnish a refuge for one who has on the label otherwise falsely stated the nature of the contents of the package. It is not against the use of the name of "Eggno" that the information is directed, but against the statement that the contents are useful and fit to be substituted for eggs in ordinary cooking recipes.

In *United States v. 150 Cases of Fruit Pudding*, 211 Fed. 360, having the subject under consideration, at page 364 the court says:

"It does not seem to me that the proviso in question was intended to except them absolutely from the provisions of the act, and to leave the manufacturers free to make misrepresentations concerning them. Such a construction is out of harmony with all the rest of the statute, and disregards one of the principal purposes of it. It seems to me that the protection afforded by the proviso is limited to the distinctive name; and, as so limited, I have no doubt that the proviso applies to the first paragraph of section 8, and fully protects distinctive names from being misbranding."

It was there accordingly held that the words "Fruit Puddine," being false and misleading with reference to the product known as "Puddine," constituted misbranding within the statute.

It is further contended that the statement, "Substitute for eggs in baking and cooking," is not one of fact but of opinion only, and therefore not, in law, misleading; that the substitution of one thing for another is largely a matter of judgment, and that to call a thing a substitute is not to affirm that it is even similar to the original; that one article of diet may be a substitute for another without any necessary similarity. In this case, however, the defendant chose its own definition for the term "substitute" when it expressed upon the label that the article could be used in place of eggs "in baking and cooking." Nothing else could be inferred but that in ordinary culinary compounds the article in question would produce the same or similar results as the use of eggs. This is a direct affirmation of a fact and a definite description, so far as obtainable results are concerned, of the article sold.

It is further contended that the mere representation as to the results which may be obtained by the use of an article do not constitute misbranding under the act, and reliance is had upon *United States v. Johnson*, 221 U. S. 448, where it was held that the curative effect of a medicinal preparation of which the labels stated that the contents were effective in curing cancer, contrary to the fact, was not an offense against the provisions of the act relating to the sale of drugs, as the act then stood. But the terms of the act at that time were very much narrower in scope with regard to drugs than with regard to food. By the amendment of 1912 the prohibition relating to the misbranding of drugs was made to expressly cover any statement regarding the curative effect of the article, and under that amendment it has been held that statements of curative effect in reckless and wanton disregard of their truth come within the act. *Simpson v. United States*, 241 Fed. 841. With regard to food, the act makes it an offense if the package containing it, or its label, shall bear any statement, design, or device regarding the ingredients or substances contained therein, which statement, design, or device shall be false and misleading in any particular; and the allegations of the information would seem clearly to bring the statements in question within that category.

The information is not upon oath, and it is contended that the same is therefore violative of the Fourth Amendment, and for that reason the defendant should not be held to answer. But the information is not required to be upon oath; it is only required that the same shall be supported by oath before warrant may be issued thereon. *Weeks v. United States*, 216 Fed. 292. As the defendant has voluntarily appeared and filed the motion now under consideration, no question concerning the validity of a warrant is here.

Motion overruled.

On December 9, 1920, the case having come on for trial before the court and jury after the submission of evidence and arguments by counsel the following charge was delivered to the jury by the court (Peck, D. J.):

Gentlemen of the jury, it becomes now my duty to charge you with regard to the law in this case. You are the sole judges of the facts; the facts are entirely within your province. The law you will take from the court, and, applying the law as I shall give it to you to the facts as you shall find them to be, you will reach your conclusion in this case.

The essential elements of this information upon which the defendant is here upon trial are, first, that the defendant did ship in interstate commerce fifty cases of cartons. While the burden of proof is upon the Government to establish this beyond reasonable doubt, the defendant has admitted by a stipulation offered in evidence here that it did ship the fifty cases of cartons in interstate commerce; second, that these cases contained an article designed and intended to be used as an article of food. The burden likewise is upon the Government to establish that beyond reasonable doubt. It is next set forth that these cases

were then and there denominated as to the contents thereof, labeled, marked, and branded as follows: (On cases) "2 doz. Newton's 25c size Eggno Manufactured by The Newton Tea & Spice Co., Cinti, Ohio;" (on top of carton) "Flat Top Gro. Co. Bluefield, W. Va. Food Products, Prepaid, Pieces 51;" (on carton) "Newton's Eggno Artificially Colored. To be used in place of eggs in baking and cooking 3½ Oz. Net. An Excellent Substitute for Eggs. Eggno is an excellent Substitute for Eggs and is to be used for Baking and Cooking purposes. Splendid for Cookies, Cakes, Muffins, Fried Cakes, Bread Puddings, Gravies. Just the thing for Griddle Cakes, Noodles, etc. Eggno is an article of real merit and is far superior to the usual Egg Substitutes on the market. Eggno contains the constituents that cause fresh eggs to fill such an important place in every kitchen. Eggno is the result of scientific research, is composed of pure materials, is nutritious and is economical, as one even teaspoonful is to be used in place of each egg called for in recipes requiring eggs. This package contains 36 even teaspoonfuls. Guaranteed to conform to the Pure Food Laws. Directions Dissolve Eggno in lukewarm water or milk by first making a paste then adding the balance of the water or milk. Use a teaspoonful for each egg called for in recipes requiring eggs. In making use a trifle more Baking Powder than if eggs were used. Eggno does not take the place of Baking Powder. Prepared and Guaranteed by The Newton Tea & Spice Co. 12-14-16-18 East Second St. Cincinnati, Ohio." And while the burden is upon the Government to prove the truth of this labeling beyond reasonable doubt, defendant has filed a stipulation here admitting the facts concerning the labeling as thus set forth.

The next material contained in the information purports to set forth the contents of certain circulars that were contained in these cartons. I have withdrawn that from your consideration, and you will pay no attention to it. I have marked it in the margin of the information "Ruled out. Omit," and you will pay no attention to that; likewise the phrase upon the next page, of similar import, is ruled out and withdrawn from your consideration.

The fourth element of the information—and it is around this one that the contest here principally turns—is this: That the article of food was misbranded in that the statements, "to be used in place of eggs in baking and cooking * * * an excellent substitute for eggs * * * to be used for baking and cooking purposes * * * Eggno contains the constituents that cause fresh eggs to fill such an important place * * * one even teaspoonful is to be used in place of each egg called for in recipes * * * use a teaspoonful for each egg called for," were all false and misleading. It is also alleged that the carton contained the phrase, "takes the place of fresh eggs," which was false and misleading; but I am unable to find those words upon an examination of the carton—were all false and misleading, says the information, in that they represented to purchasers of the article that the same was a substitute for eggs and could be used in the place of eggs for baking and cooking purposes, whereas, the Government charges, said article was not then and there a substitute for eggs and could not be used in the place of eggs for baking and cooking, and that it was so labeled to deceive—that being so labeled it would deceive and mislead purchasers into the belief that it was such a substitute for eggs and could be so used. And the question of the truth of this, the fourth element, as I have described it, of the information is the principal question for your determination.

The Government does not claim that the product Eggno is poisonous, deleterious, or injurious to human health. The question, therefore, raised by these allegations of the information, which I have denominated the fourth element, is whether or not these statements were false in the respects charged in the information.

Now, by what rules are you to judge of the truth or falsity of this language? The principal rule is this: You will take this language in the ordinary meaning and significance of the words used; that is, as they would be understood by the ordinary purchaser, of ordinary intelligence, familiar with the English language. The purpose of the label is to truthfully advise the purchaser of the contents. That is the purpose of the label—or should be. It is, as it were, the voice of the manufacturer speaking to the prospective purchaser, as though they had met in person and the manufacturer verbally stated to the customer, "I made this product. It is the result of scientific research. It is an excellent substitute for eggs. It contains the constituents that cause fresh eggs to fill an important place; that is, an important place in every kitchen. An even teaspoonful is to be used in place of each egg called for in the recipe." Now, is this statement false and misleading? That is the essence of the matter. It says "An excellent substitute for eggs." The word "excellent" hardly re-

quires us to go to the dictionary to find its meaning. One meaning is "remarkably good." However, little stress is to be laid upon mere adjectives commendatory of wares; manufacturers and others who sell wares are to be expected, and are generally expected by purchasers, to use such adjectives with regard to the wares that they offer for sale. More important are the words, "substitute for eggs." What does the word "substitute" mean? What does it mean to the ordinary purchaser, the ordinary housewife or householder who goes to a grocery store to buy articles of this kind—what does it mean to her or to him? One definition found in the dictionary for the word "substitute," and perhaps the one that best gives the meaning of the word as here used, is "a thing serving the purpose of another." The representation, therefore, on this label that the contents are an excellent substitute for eggs may perhaps be taken—may be taken in the ordinary acceptance of the word—to assert to the public that the article therein contained is good for serving the purpose of eggs in baking and in cooking.

Now, it is further asserted on this label that it "contains the constituents." What are constituents? Those things which go to make it up, the components, the elements. "Contains the constituents that cause fresh eggs to fill such an important place"—that is, such an important place in the kitchen. The truth or falsity of that statement is also for you to determine. The label also affirms that one even teaspoonful is to be used in place of each egg called for in the recipe; that is, in the cooking recipe. Is this the equivalent to an assertion that one teaspoonful is equal to an egg in the recipe in cooking and baking?

The information alleges that these statements, taken together, amount to a representation to purchasers that the article was a substitute for eggs and could take the place of eggs in cooking and baking, whereas, in fact and in truth, it was not such, and could not be so used; and that the purchasers thereby—that it was misleading thereby to the purchaser.

Generally speaking, to correctly determine whether a falsehood has been told—that is the essence of this case, that this label told a falsehood to the people; that is what the Government charges in these respects that I have indicated, that this label told a falsehood. Now, to correctly determine whether a falsehood has been told, ordinarily it is first necessary to ascertain just what has been told and then to compare the statement so made with the fact. Concerning the statement made, the label is here; it has been admitted by the stipulation, and there is no contest about what the language was that was used. Now, what are the facts? Does the product contain the constituents which cause fresh eggs to fill an important place in the kitchen? Is the product a substitute for eggs, as that language would be understood by the ordinary purchaser? May one teaspoonful be properly used in cooking recipes in place of each egg called for? The evidence offered by the Government tends to show that the product is inferior to eggs in nutritive value, and of little physical or chemical value in cooking and baking operations. The evidence of the defendant, on the contrary, tends to show that the product has been used with satisfaction and apparently good results by many housewives. If the product is, in fact, well adapted to be used instead of eggs in baking and cooking, if it is in truth genuinely fit to be used in place of eggs in those processes, then the label would seem to me to be not false. On the other hand, if the article is not honestly well fit to be used as a substitute for eggs in baking and cooking, if it is not genuinely well adapted to be used instead of eggs for such purposes, then and under such circumstances the label would seem to be false; but the question of its truth or falsity I leave to you.

The burden of proof is not upon the defendant to prove the label true; the burden of proof is upon the Government to show beyond reasonable doubt, on consideration of all the evidence, that the label is false and misleading in the respects charged in the information.

Now, the question here is not, on the one hand, whether the product is an absolutely worthless article, or, on the other hand, whether it is a complete and perfect substitute for eggs in all respects; the true question is whether the language of the label complained of in the information is false and misleading to the ordinary purchaser in the respects charged in the information. That is the true question for your determination.

As I have said, you are the sole judges of the facts, gentlemen of the jury.

Now, the presumption is that the defendant is innocent, and this presumption prevails until it is overthrown by evidence of its guilt beyond reasonable doubt. The defendant is to be presumed innocent until it is proven guilty. You will

begin your deliberations on that basis. You will remember that the mere fact that an information has here been filed by the district attorney against the defendant, in and of itself, raises no presumption that the defendant is guilty. One charged with the commission of an offense can only be convicted, if convicted at all, upon the evidence produced at his trial. The burden of proof is upon the Government of the United States to prove the offense charged and all its essential elements beyond a reasonable doubt.

What is meant by a reasonable doubt? By a reasonable doubt is meant this: When you lack an abiding conviction to a moral certainty of the truth of the charge, considering all the evidence, then there is a reasonable doubt. A reasonable doubt is an honest uncertainty. If you have an honest uncertainty, then you have a reasonable doubt. It is not a mere captious doubt, a mere ingenious doubt, such as one might, by some process of ingenuity, raise in his mind. To be a reasonable doubt it must be an honest uncertainty.

I shall now state to you under what circumstances you will find a verdict of guilty. If you find that each of the essential elements of this information, as I have defined them to you, has been proven beyond reasonable doubt, then it is your duty to find a verdict of guilty. I shall now state to you under what circumstances you shall find a verdict of not guilty. Unless you do find that each essential element of this information has been proven beyond a reasonable doubt, then it is your duty to find a verdict of not guilty.

You are the sole judges of the credibility of the witnesses. You may consider, in judging of their credibility, their demeanor upon the witness stand; any bias or prejudice that they may have shown in the case, if they have shown any; their interest in the outcome of this trial, if any they have; the probability or reasonableness of their testimony; their intelligence; their means of observation; their knowledge of that whereof they have spoken. You will consider their connection with either party to the case, if any they have; and any and all circumstances which bear, or tend to bear, upon the credibility of the witnesses. And then, having done this, having considered all the testimony bearing upon their credibility, you will give to the testimony of each and every witness such credit as you find it entitled to receive. You are not to reject any of the testimony arbitrarily or without reason. You are not, as a matter of fact or as a matter of law, bound by the greater number of witnesses, although number is a matter for you to consider.

Certain expert witnesses have testified before you. As to matters of opinion, expert witnesses are permitted to give opinions about matters which are not within the common knowledge of all. As, for instance, the chemical science. We are not, generally speaking, chemists or familiar with the chemical science; therefore, the law permits witnesses to be called to give an opinion, state to you an opinion, as to matters pertaining to the chemical science. And so, in this science of food known as dietetics, and so of the refinements of the art or the science of cooking, witnesses have been permitted to give their opinions. Now, the opinion of a witness depends not only upon his truthfulness, but upon the amount that he knows about the subject that he is giving an opinion upon. The opinion of one upon chemistry who knew little of chemistry would be of very little value; so that you will see, in considering the value of opinion evidence, it is necessary for you to carefully consider the qualifications of the witnesses to give the opinions which they have given. Opinion evidence is ordinarily not binding upon the jury, but it is to be considered in determining the matters submitted to the jury.

Gentlemen of counsel—

Mr. ROUDEBUSH. Nothing, your honor.

Mr. LANNIN. May it please the court, I wish to take exceptions to the failure of the court to instruct the jury that the question of the element of food value and nutritional value of the product involved in this case is not in issue in this case.

And also to the failure of the court to instruct the jury that in determining whether this product is misbranded or not, they must confine their considerations to its use for baking and cooking purposes, and not for its use as an article of food, for food purposes.

And I also save exceptions to the statement of the court to the effect, as near as I can remember now, that the element of nutritive value and food value is involved in this case. I understand Mr. Simmonds has some objections. I don't know just what the rule of this court is, as to whether both of us can save exceptions or not.

The COURT. Yes; I will permit each counsel to take such exceptions as he wishes. **Mr. Simmonds**—

Mr. SIMMONDS. If your honor please, we desire to reserve exceptions to the fact that the court has not charged that it is necessary, in addition to establishing the other charges, to establish that the label was so labeled as to deceive the purchaser.

And likewise to the proposition of the qualitative words, as used by the court in his charge, as to the degree of proficiency that must be reached by the product. We think that—

The COURT. It is not time for argument—just your exceptions. Anything further, gentlemen of counsel? Gentlemen of the jury, you will now retire and deliberate upon your verdict. When you have reached your conclusion you will notify the court.

Mr. KROHN (a juror) (after a portion of the jury had retired from the jury box). I didn't understand that charge—

The COURT. If you wish any further instructions the jury will have to return as a whole, Mr. Krohn.

(Thereupon the jury retired from the court room.)

Mr. LANNIN. May the jury not take the exhibits with them to the jury room?

The COURT. The marshal will take all the exhibits to the jury room.

Mr. LANNIN. Take them out of the pans—

Mr. ROUDEBUSH. Is the jury permitted to take the exhibits to the jury room, your honor?

The COURT. It will be just exactly as they are. Just pick these tables up and carry these exhibits into the jury room.

Mr. LANNIN. The jury is permitted to eat the cakes?

The COURT. Wait until the jury has retired. Are all the jurors out of the room? Now you ask if the jurors will be permitted to eat of these cakes?

Mr. LANNIN. Yes, your honor.

The COURT. It seems to me that that should not be so, for this reason: It is undoubtedly the rule that the jurors must receive the evidence in the court room. Is that not the rule? The Constitution requires that no evidence can be taken outside of the court room in a criminal case, and practice so requires. Now, the tasting of these foods would be one way of the juror exercising his senses; it would be one way of his brain receiving information from the evidence, and it seems to me that that might have been done during the taking of the evidence in the court room, and I thought of it and was of a mind to permit it had either side so requested. But now the taking of the evidence has been concluded. Of course, the point is novel; I rule without precedent, so far as I know. But upon general principle it seems to me that the taking of evidence having been concluded, I would have the right to submit to the jury that which their senses have already received—nothing new. And, therefore, the rule will be that the exhibits may all be removed by the marshal to the jury room, as they are.

Mr. ROUDEBUSH. Your honor, isn't that contrary to the rule that has been heretofore, that any exhibits go to the jury room?

The COURT. No; I have permitted the exhibits to go to the jury room in other cases.

Mr. ROUDEBUSH. In criminal cases?

The COURT. I should not permit the exhibits to go contrary to the objection of the defendant, perhaps, but at the request of the defendant—

Mr. ROUDEBUSH. I want to object to it.

The COURT. I am inclined to send the exhibits to the jury room. It doesn't seem to emphasize the exhibits of either side. Each side has introduced its exhibits of this nature. It is a matter that is discretionary with the court. Where it tends to emphasize the evidence of either side it ought not to be permitted, but here it seems to be about as long as it is broad, and I will let all of the exhibits go to the jury room. That includes all of them, the stipulation and everything else.

Mr. LANNIN. Your honor, I don't want to take any time, but I might say the only experience I had on the subject was where we had a vast number of food exhibits introduced last winter before Judge Faris in St. Louis; in that case he permitted the jurors to eat the exhibits in the court room.

The COURT. I should have done that.

Mr. LANNIN. And even served drinks with them—coffee and things of that kind. There was no objection to it. I have never had a case under these circumstances.

THE COURT. I think you will see, upon reflection, that the eating of the exhibits in the jury room would be the receiving of evidence out of the jury room.

MR. LANNIN. I might suggest this—I don't want to get the court in bad—that the marshal tell the jury as to the order of the court.

THE COURT. No, we will just follow what seems to be the law in the matter. Is the marshal here? Call him. Have you copies of these special charges requested, Mr. Roudebush?

MR. ROUDEBUSH. Yes, your honor.

THE COURT. I have refused them and have noted upon them some of the reasons I have for refusing them. You may copy them and then hand them to the other side. [At this point a deputy marshal came into the court room.] Mr. Marshal, please get an assistant and carry all of these exhibits on them to the jury room. All of these exhibits go to the jury room, just as they are. (Thereupon the court retired from the bench.)

The special charges requested by counsel for defendant, with the notations made thereon by the court, are here set out, by true copy, as follows:

No. 1.

The court instructs you that if you find from the evidence that purchasers of Eggno in purchasing the same for baking and cooking purposes, do not have in mind the question as to the food value or nutritive value of the product and are not concerned with whether it has or has not any food value or nutritive value or contains any vitamines or food calories, but are concerned solely with the question as to whether it will produce substantially the same effect as eggs for baking and cooking purposes in the way of a binder for food, a settler of food, or to obtain in food the desired form, fluffiness, or texture, or color as the purchaser may desire, and that Eggno will fairly and reasonably, but not necessarily as perfectly as eggs, perform these functions respectively or collectively to the satisfaction of the average purchaser of ordinary intelligence, then you may disregard all testimony as to food value and nutritional value, the presence or absence of calories and vitamines, and you will return a verdict of not guilty.

Refused. (Signed) Peck, J.

No. 2.

The court instructs the jury that if you find from all the evidence in this case that there is a well founded difference of opinion, based upon honest convictions, one way or the other, among purchasers and users, of the Eggno involved in this case, as to whether or not the Eggno involved in this case is a substitute for eggs to a fair and reasonable degree for cooking and baking purposes, you will find the defendant not guilty.

And in this connection the court instructs you that you may take into consideration the extent to which such users have used the product for baking and cooking purposes, the length of time they have used the same, and all other circumstances that would enable such purchasers and users to form a fair opinion on the subject.

Refused: The witnesses have given facts as to its use, not their opinions as to its being a substitute. (Signed) Peck, J.

No. 3.

The court instructs the jury that there is no question involved in the case of wholesomeness or healthfulness of the product Eggno, or any of its ingredients, there being no claim that it is poisonous, deleterious or injurious to human health (given), and it being admitted by the Government to be a wholesome article.

Refused—tends to exclude the consideration of nutrition—see label "nutritious." (Signed) Peck, J.

No. 4.

The issue involved in this case is not to be determined by the question as to what persons with lack of familiarity with the product involved herein would understand the label involved in this case to mean, but is to be determined by what idea the label might convey to persons of ordinary intelligence who are conversant with our language.

Refused. (Signed) Peck, J.

No. 5.

I charge you that if you find from the evidence that it is the consensus of opinion of actual purchasers of Eggno, of ordinary intelligence, for ordinary baking and cooking purposes, that the product is a satisfactory substitute for eggs for baking and cooking purposes and will fairly and reasonably take the place of eggs for such purposes, you will find the defendant not guilty.

And in this connection you will not regard purchasers of the product for technical or scientific purposes as purchasers within the meaning of the law in this case.

Refused on same ground as No. 2. (Signed) Peck, J.

No. 6.

I charge you, gentlemen of the jury, that the following statements appearing upon the label on the package in this case, to wit, "Eggno is an article of real merit and is far superior to the usual egg substitute on the market. Eggno contains the constituents that cause fresh eggs to fill such an important place in every kitchen. Eggno is the result of scientific research and is composed of pure materials and is economical," are not statements as to the identity of the article or statements of ingredients of the package, but rather are statements commendatory of the article, and are therefore not within the provision of section 8 of the Food and Drugs Act of January 30, 1906, and you will disregard the same in your deliberation as being withdrawn from your consideration. *United States v. Johnson*, 221 U. S. 488.

Refused. (Signed) Peck, J.

The second sentence quoted is a distinct affirmation of fact concerning the contents.

No. 7.

I charge you, gentlemen of the jury, that there is no legal standard provided by law fixing the degree of efficiency which any given article must contain when sold as a substitute and in this case there is no legal standard provided by law fixing the degree of efficiency which the product known as "Eggno" must possess when sold as a substitute for eggs in baking and cooking, when compared with eggs.

Therefore, if you find from the evidence that the article involved in this case, known as "Eggno," was sold as a substitute for eggs in baking and cooking, and that said "Eggno" did have any fair and reasonable degree of efficiency as such a substitute, or was a substitute to a fair and reasonable degree, for eggs for baking and cooking purposes, you will find the defendant not guilty. And in this connection I charge you further that a product sold as a substitute for eggs for baking and cooking purposes is not required to be 100 per cent as efficient in all or any respects as eggs, but is only required to be fairly and reasonably as efficient as eggs for the purpose mentioned.

Refused. (Signed) Peck, J.

No. 8.

The court instructs the jury that the Eggno involved in this case was not sold as a food for its food value, but that the label fairly construed represents the product to be sold as an accessory in baking and cooking, and in that respect as a substitute for eggs. And in considering whether the product is or is not a substitute for eggs for baking and cooking purposes you are only permitted to take into consideration the purposes for which eggs are used in baking and cooking.

Refused—see label "nutritious." (Signed) Peck, J.

No. 9.

I charge you, gentlemen of the jury, that the basis of the charge in this information is not one of adulteration. The Government undertakes to and must prove beyond a reasonable doubt that the product is so labeled as to deceive the ordinary purchaser of ordinary intelligence purchasing said product for baking and cooking purposes, and if you should find from the evidence herein a reasonable doubt as to whether or not such purchasers in

purchasing the product for cooking and baking purposes were so deceived, then your verdict will be not guilty.

Refused—would require government to establish actual deceit of purchasers.
(Signed) Peck, *J.*

No. 10.

The court instructs the jury that in considering whether the product involved in this case is or is not a substitute for eggs for baking and cooking purposes, the question as to its own food value or the food value (so far as the question of nutrition is concerned) of the finished baked or cooked foods imparted to them by it, is immaterial and you should disregard all testimony relative to the same.

Refused—same ground as No. 8. (Signed) Peck, *J.*

The jury thereupon retired and after due deliberation returned a verdict of guilty, whereupon the court imposed a fine of \$200 and costs. Thereupon the defendant, by counsel, gave notice of appeal, and on May 10, 1921, the defendant's bill of exceptions was allowed and filed. The case is now pending on appeal in the Circuit Court of Appeals for the Sixth Circuit.

E. D. BALL, *Acting Secretary of Agriculture.*

9291. Adulteration of tomato catsup. U. S. * * * v. 500 Cases and 25 Barrels of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 12127, 12128. I. S. Nos. 9501-r, 9502-r. S. No. C-1703.)

On February 2, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases and 25 barrels of tomato catsup, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by R. C. Chances Sons, of Mount Holly, N. J., and Philadelphia, Pa., from Mount Holly, N. J., on or about September 20 and November 7, 1919, respectively, and transported from the State of New Jersey into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chances Table Talk Tomato Catsup * * * R. C. Chances Sons, Mount Holly, N. J. Philadelphia, Pa."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On or about April 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9292. Alleged adulteration and misbranding of macaroni. U. S. * * * v. Albert C. Krumm, Jr. (A. C. Krumm & Son). Demurrer to the information sustained. (F. & D. No. 12334. I. S. No. 15497-r.)

On February 28, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert C. Krumm, Jr., trading as A. C. Krumm & Son, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 25, 1919, from the State of Pennsylvania into the State of Maryland, of a quantity of an article known as "Krumm's Continental Brand Macaroni," which was alleged to be adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a product prepared from flour, had been substituted in whole or in part for macaroni, to wit, a product prepared from semolina, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Macaroni," borne on the packages containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was macaroni, to wit, a product made from semolina, whereas, in truth and in fact, the said article was not macaroni, to wit, a product made from semolina, but was a product made from flour.

On July 2, 1920, a demurrer to the information was filed by the defendant, and on February 9, 1921, the case having come on for final disposition, the demurrer to the information was sustained, as will more fully appear from the following decision of the court (*Thompson, D. J.*):

The United States attorney filed an information against the defendant charging violation of the Food and Drugs Act in shipping and delivering from Philadelphia, Pa., to Baltimore, Md., a number of packages, each containing an article of food labeled, marked, and branded as "Krummi's Macaroni." The first count charged that the article of food was adulterated "in that a substance, to wit, a product prepared from flour, had been substituted in whole or in part for macaroni, to wit, a product prepared from semolina, which the article purported to be." The second count charged that the article of food was misbranded in that the word "macaroni" "was false and misleading in this, that it represented that said article was macaroni, to wit, a product made from semolina, whereas, in truth and in fact, said article was not macaroni, to wit, a product made from semolina, but was a product made from flour."

The defendant demurs upon the ground that the information does not set out any offense against the United States; that it is not averred that the packages were original unbroken packages; that it is not averred that semolina is not flour or a product made from flour; that it is not averred that macaroni is a product wholly prepared from semolina; that the definition of the word "macaroni" as given in the information is not in consonance with its meaning as accepted by the general public, and that it is not set forth that the article of food contained in the packages was dangerous to the health or welfare of the people or intended to deceive the purchaser.

The first ground of demurrer may be dismissed for the reason that while the Food and Drugs Act prohibits shipping or delivering for shipment in interstate or foreign commerce any articles of food which is adulterated or misbranded, it does not restrict the offense of shipping or delivering for shipment to articles in original unbroken packages, the restriction to original unbroken packages applying only to those who receive in interstate commerce and, having received, deliver in original unbroken packages any adulterated or misbranded articles.

As to the averments in relation to the substance contained in the packages, I think they are lacking in that particularity in both counts which should be observed to inform the defendant with certainty of the charge he is to meet at the trial. The offense under the first count, adulteration, arises in the case of food, "if any substance has been substituted wholly or in part for the article," and the offense of misbranding arises "if the packages containing it or its label shall bear any statement, design, or device regarding the ingredients or substance contained therein, which statement, design, or device shall be false or misleading in any particular." According to the Century Dictionary, macaroni is a paste or dough prepared originally and chiefly in Italy from the glutinous granular flour of a hard variety of wheat. According to the Standard Dictionary, it is an Italian paste made into slender tubes from the flour of hard glutinous wheat mixed with water. Semolina is defined to be the hard grains retained in the bolting machine after the fine flour has passed through.

If the article in question, as averred in the first count, was prepared from flour, or, as averred in the second count, was made from flour, it was apparently macaroni. But if it is intended to charge that macaroni is not made from the whole of the flour which comes from the mill, but in order to be macaroni must be made from the large, hard grains retained in the bolting machine after the fine flour had passed through, the counts are lacking in averments that semolina is not a part of the substance known as flour. Flour may be fine or coarse, it may be made from the whole grains of the wheat, as, "whole-wheat flour," or it may be the fine-bolted flour. If it is meant by the indictment to charge that in order for a substance to be macaroni, it must be made wholly from semolina and not contain any of the fine flour which leaves a residuum of semolina, the information should plainly so state. It is of vast importance to the public

that foodstuffs shall be what they purport to be through the labels, marks, and brands upon the packages. It is a matter of common knowledge that in the fine wheat flour of commerce much of the nutritive property of the grain is absent which remains in "whole-wheat flour." A purchaser of an article labeled "whole-wheat flour" is entitled to receive what he is led to believe he is purchasing from what appears upon the label. Similarly, one who is purchasing an article labeled "macaroni" is entitled to receive the article containing nutritive ingredients which genuine macaroni is known to contain. Otherwise the party substituting some other substance for the proper ingredients or designating it by names which falsely represent the contents or mislead the public is liable to the penalties of the act. If, however, one is charged under the act with adulteration and misbranding, he must be informed with sufficient particularity and certainty of the charge against him to enable him to prepare his defense. This particularity and certainty are obviously lacking in the information filed.

It may be that in the course of manufacture, trade, and public use the same "macaroni" has come to mean an article made from flour without regard to its containing semolina alone, and it may be that the word as accepted by the general public is not consonant with what was intended to be set out in the information. These, however, are trial questions. As to the remaining ground of demurrer, it is not necessary under the Pure Food and Drugs Act that an article in order to be unlawfully adulterated or misbranded must be dangerous to the health of the people.

Demurrer sustained.

E. D. BALL, *Acting Secretary of Agriculture.*

9293. Adulteration of prunes. U. S. * * * v. 250 Boxes * * * of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13848. I. S. No. 4903-t. S. No. C-2573.)

On November 9, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 boxes, more or less, of prunes, at Chicago, Ill., alleging that the article had been shipped by the Garcia & Maggini Co., San Francisco, Calif., on June 22, 1920, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9294. Adulteration of soup vegetables. U. S. * * * v. 2,313 Cases * * * of Soup Vegetables. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13870. I. S. Nos. 4904-t, 4905-t. S. No. C-2581.)

On November 19, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2,313 cases of soup vegetables, at Chicago, Ill., alleging that the article had been shipped by the Portland Evaporating Co., Portland, Ore., on April 22 and June 12, 1918, respectively, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further

reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On April 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9295. Adulteration of canned prunes. U. S. * * * v. 100 Cases * * * of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14008. I. S. No. 4156-t. S. No. C-2608.)

On December 11, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, more or less, of prunes, at Chicago, Ill., alleging that the article had been shipped by the Puyallup & Sumner Fruit Growers Canning Co., Puyallup, Wash., on October 26, 1920, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9296. Adulteration of canned strawberries. U. S. * * * v. 294 Cases * * * of Strawberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14080. I. S. No. 1988-t. S. No. C-2648.)

On December 17, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 294 cases, more or less, each containing 6 cans, of strawberries, at Chicago, Ill., alleging that the article had been shipped by the Friday Bros. Canning Co., Coloma, Mich., on July 19, 1919, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Home Comfort Brand Michigan Strawberries in Syrup. Contents 6 lbs. 4 ozs. Grown and packed by Friday Bros. Canning Co., Coloma, Mich."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9297. Adulteration of canned corn. U. S. * * * v. 240 Dozen * * * Cans of Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14403. I. S. No. 2060-t. S. No. C-2773.)

On February 7, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 240 dozen cans, more or less, of corn, at Chicago, Ill., alleging that the article had been shipped by the Vaux Canning Co., Faribault,

'Minn., on October 4, 1920, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On April 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9298. Misbranding of Egyptian Regulator Tea. U. S. * * * v. 3 Dozen 35-Cent Size, 1 Dozen 50-Cent Size, 1 Dozen 50-Cent Size, and 3 Dozen 25-Cent Size Packages * * * of Egyptian Regulator Tea. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14426, 14427. Inv. Nos. 27445, 27446, 27447, 27448. S. Nos. C-2785, C-2786.)

On February 9, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 dozen 35-cent size and 1 dozen 50-cent size packages, more or less, of Egyptian Regulator Tea, shipped on or about November 9 and May 6, 1920, respectively, and 1 dozen 50-cent size and 3 dozen 25-cent size packages, more or less, of Egyptian Regulator Tea, shipped on or about November 4, 1919, remaining in the original unbroken packages at Omaha, Nebr., alleging that the article had been shipped by the Kells Co., Newburgh, N. Y., and transported from the State of New York into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Egyptian Regulator Tea;" (white circular) "Egyptian Regulator Tea. * * * A Speedy and Positive Relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness, * * * Nature's Own Gift to Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, Whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption, Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs * * * Heart Troubles, Paralysis, Rheumatism, Gout, * * * apoplexy * * *;" (blue wrapper) "Egyptian Regulator Tea. A Remedy For * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney trouble * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of senna, triticum, licorice, ginger, taraxacum, sambucus, cinnamon, and coriander.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof, appearing in the labeling, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 29, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9299. Adulteration and misbranding of Aletris. U. S. * * * v. **Frederick H. Wrede and Fred Lange** (Wrede & Lange). Pleas of guilty. Fine, \$1. (F. & D. No. 14547. I. S. No. 13170-r.)

On April 25, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frederick H. Wrede and Fred Lange, copartners, trading as Wrede & Lange, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 24, 1919, from the State of New York into the State of Massachusetts, of a quantity consisting of 5 bales of Aletris, which was adulterated and misbranded. The article was labeled in part, (shipping bale) "Aletris * * * From Wrede & Lange, New York."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 24.4 per cent of ash.

Adulteration of the article was alleged in the information for the reason that it was a product purporting to be Aletris and which yielded 24.4 per cent of ash, whereas the National Formulary provided that Aletris should be derived from the dried rhizome and roots of *Aletris farinosa*, which should not yield more than 16 per cent of ash.

Misbranding was alleged for the reason that the statement, to wit, "Aletris," borne on the shipping bales aforesaid, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was Aletris N. F., to wit, a product which conformed to the standard prescribed by the National Formulary, whereas, in truth and in fact, said article did not conform to the standard prescribed by the National Formulary.

On April 27, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$1.

E. D. BALL, *Acting Secretary of Agriculture.*

9300. Misbranding of Santal Midy Capsules. U. S. * * * v. **35 Dozen and 24 Dozen Bottles of * * * Santal Midy Capsules. Consent decrees of misbranding. Product released under bond.** (F. & D. Nos. 10269, 10270. I. S. Nos. 2597-r, 2761-r. S. Nos. W-347, W-348.)

On May 13, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 35 dozen and 24 dozen bottles of Santal Midy Capsules, remaining unsold in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by E. Fougera & Co., New York, N. Y., on February 18, 1918, and March 27, 1919, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the contents of the capsules consisted of sandalwood oil.

Misbranding of the article was alleged in substance in libels for the reason that it was inclosed in a circular which bore and contained the following statements, "Santal-Midy * * * Essential oil of Sandalwood * * * prepared by Midy's process * * * in the treatment of gonorrhea, gleet and

discharges from the urinary organs. * * * Doctor Henderson * * * says, ' * * * In forty-eight hours it affords relief, * * * it contributed to a great number of cures.' Professor Panas * * * remarks: 'The nature of the discharge is changed in the course of twenty-four or forty-eight hours at the utmost * * * whatever may have been the color and the abundance of the secretion.' * * * In gonorrhea in the acute stage, it improves the symptoms to such an extent in a few days, that urine may be passed without pain, and the discharge reduced to a few drops of muco-pus. This we have repeatedly been in a position to vouch for, * * * Inflammation Of The Bladder.—When the bladder walls are inflamed, and even when there is hemorrhage, it is still useful on account of its peculiar soothing action on mucous surfaces. In nearly every case of hematuria, the frequency of micturition and the pain arising therefrom cease in two or three days. Suppurative Nephritis.—In this serious affection, a dose of 8 capsules of the drug improve the symptoms in 24 hours. Catarrh Of The Bladder * * * in cases of chronic catarrh of the bladder * * * Vesical Catarrh Of Old Age.—In this affection, so frequently accompanied by stricture of the urethra and congestion of the prostate, a rapid improvement follows its use and the urine soon becomes clear and limpid. In Acute Cystitis, when the urine is colored with blood, and inflammation of the neck of the bladder, it gives relief and is preferable to other remedies, * * * finally, it assists elimination of the uric acid indicated by the red deposit in the urine resembling gravel.' * * * Dose And Mode Of Administration. * * * Santal-Midy may be used in the early stage of a discharge; * * * when the urethral catarrh is accompanied by cystitis * * * About the fourth day, when the running has become reduced to a sort of oozing, the dose is gradually lessened. * * * in case of true gonorrhea, the permanent cure should be determined by a microscopic examination of the secretions," whereas the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it, and the statements in the circular aforesaid were false and fraudulent. Misbranding was alleged for the further reason that an additional circular or circulars which accompanied the article, copies of which were attached to and made a part of the respective labels and marked Exhibit "A," or Exhibits "A" and "B," as the case might be, contained statements, regarding the curative and therapeutic effects of said article and the ingredients and substances contained therein, which were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 11, 1919, the Planten & Sons Co., New York, N. Y., claimant, having consented to a decree, judgments were entered declaring the product to be misbranded, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$800, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 9301-9350.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 13, 1921.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGSACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

9301. Adulteration of shell eggs. U. S. * * * v. 300 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 11144. I. S. No. 13313-r. S. No. E-1682.)

On August 27, 1919, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases of shell eggs, remaining unsold at Niagara Falls, N. Y., alleging that the article had been shipped by the Thomassen Produce Co., Humphrey, Nebr., on August 9, 1919, and transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 13, 1919, Peter J. Prozeller, Niagara Falls, N. Y., having entered an appearance as claimant for the property and having consented to a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,650, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

9302. Misbranding of Madame Dean Antiseptic Vaginal Suppositories. U. S. * * * v. 3½ Dozen Boxes and 3 Dozen Boxes * * * of * * * Madame Dean Antiseptic Vaginal Suppositories * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11501, 11502. I. S. Nos. 3010-r, 3013-r. S. Nos. W-526, W-527.)

On November 8, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3½ dozen boxes and 3 dozen boxes of Madame Dean Antiseptic Vaginal Suppositories, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., in part on March 24 and August 25, 1919, respectively, and in part on or about August 18, 1919, and

transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the suppositories consisted essentially of a salt of bismuth, alum, boric acid, tannin, and a trace of powdered plant drug in a cacao butter base.

Misbranding of the article was alleged in substance in the libel for the reason that the article was labeled in part as follows, (outside carton) "Madame Dean Antiseptic Vaginal Suppositories For The Relief Of Vaginitis, Vulvitus, Gonorrhoeal Inflammation, Leucorrhoeal Discharges; Inflammation, Congestion and Ulceration of the Vagina. * * * The United Medical Co. * * * Lancaster, Pa.," (retail carton) " * * * Vaginal Suppositories For the Relief of Leucorrhoea or Whites, Gonorrhoea, Inflammation, Congestion, Ulceration and Similar Female Complaints * * *," (circular) "Madame Dean Antiseptic Vaginal Suppositories For The Relief Of Vaginitis, Vulvitus, Gonorrhoeal Inflammation, Leucorrhoeal Discharges; Inflammation, Congestion and Ulceration of the Vagina * * *," (booklet headed "A Friend in Need is A Friend Indeed") " * * * Madame Dean Antiseptic Vaginal Suppositories An effectual suppository for the relief of Leucorrhoea or Whites, Gonorrhoea, and similar Female Complaints," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9303. Misbranding of Santalets. U. S. * * * v. 6 Dozen and 4 Dozen Bottles * * * of Santalets * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11572. I. S. No. 3025-r. S. No. W-563.)

On December 30, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen and 4 dozen bottles of Santalets, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Sharp & Dohme, Baltimore, Md., on or about April 8, 1918, and January 17, 1919, respectively, and transported from the State of Maryland into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the contents of the capsules consisted of oil of sandalwood.

Misbranding of the article was alleged in substance in the libel for the reason that the following therapeutic effects were claimed for the said article, (circular) " * * * In Gonorrhœa * * * Oil of Santal affords prompt relief, * * * In chronic gonorrhœa, gleet and allied conditions of the urinary canal, the soothing effects of Oil of Santal are just as noticeable, and in conjunction with proper dietetic and hygienic restrictions, the relief is usually effected quite promptly. Catarrh of the bladder, acute or chronic, whether due to gonorrhœal infection or other causes, readily yields to treatment by oil of Santal * * *," which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9304. Misbranding of D. D. D. U.S. * * * v. 162 Dozen Bottles of * * * D. D. D. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12249. I. S. No. 3309-r. S. No. W-579.)

On February 27, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 162 dozen bottles of D. D. D., composed of 60 dozen medium size, ordinary strength, 72 dozen large size, ordinary strength, and 30 dozen large size, extra strong, remaining unsold in the original unbroken bottles at Los Angeles, Calif., alleging that the article had been shipped by the D. D. D. Co., Chicago, Ill., on September 3, 1919, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of phenol, chloral hydrate, and salicylic acid, with small amounts of methyl salicylate and thymol, in glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following therapeutic effects were claimed for the said article on the bottle and carton and in an accompanying circular and booklet, (ordinary strength) (carton) "D D D Remedy for Eczema and Diseases Of The Skin And Scalp * * * Eczema Psoriasis Pimples Tetter Red Nose Salt Rheum Dandruff Ivy Poison Hives Itching Piles * * * Itch Barber's Itch Dermatitis Herpes Sycosis," (bottle) "D. D. D. Prescription For The Skin And Scalp," (extra strong) (carton) "D D D Remedy for Eczema And Diseases Of The Skin * * * for cases of Chronic Dry Eczema And Psoriasis confined to the trunk of the body, arms and legs, which do not respond to treatment with D. D. D. * * *," (bottle) "D D D Prescription for the Skin * * * prepared especially for Chronic Dry Eczema and Psoriasis * * *," (circular, both ordinary strength and extra strong) "To subdue Eczema and Skin Diseases * * * Use D. D. D.—The Lotion for Skin Disease," (booklet) "* * * D. D. D. The Lotion for Skin Disease * * * In nearly all instances D. D. D. gives relief at once. * * * It is indeed true that the first or second full size bottle will relieve the itch and will be found to be sufficient in the majority of cases of skin disease. In practically all cases the fourth or fifth or at the very most the sixth bottle will plainly indicate to the patient that he is on the road to recovery. * * * continue the use of D. D. D. prescription until the desired results are obtained. * * * D. D. D. is a treatment. * * * the Most Common Forms of Skin Disease Successfully Treated by D. D. D. Eczema (Salt Rheum; Tetter) * * * Psoriasis * * * Barber's Itch * * * Sycosis * * * Acne * * * Dandruff * * * Hives, Nettlerash * * * Plant Poison * * *," which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9305. Misbranding of D D D Remedy for Eczema. U.S. * * * v. 276 Dozen and 72 Dozen Bottles of * * * D D D Remedy for Eczema. Consent decrees of condemnation. Product released under bond. (F. & D. Nos. 12251, 12252, 12253, 12271, 12272. I. S. Nos. 3192-r to 3200-r, inclusive, 3258-r, 3259-r, 3260-r, 3261-r. S. Nos. W-576, W-577, W-578, W-582.)

On February 24 and March 2, 1920, respectively, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 276 dozen and 72 dozen bottles, respectively, of D D D Remedy for Eczema, remaining in the original unbroken packages at San Francisco,

Calif., alleging that the article had been shipped by the D. D. D. Co., Chicago, Ill., between the dates October 25, 1918, and February 4, 1920, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article consisted of three style packages, "Ordinary Strength, Large Size," "Ordinary Strength, Smaller Size," and "Extra Strong," which were labeled in part as follows: (Ordinary strength, large size) (carton) "D D D Remedy for Eczema and Diseases Of The Skin And Scalp * * * Eczema Psoriasis Pimples Tetter Red Nose Salt Rheum Dandruff Ivy Poison Hives Itching Piles * * * Itch Barber's Itch Dermatitis Herpes Sycosis;" (bottle) "D D D Prescription For The Skin and Scalp * * *;" (ordinary strength, smaller size) (carton) "D D D Remedy for Eczema and Diseases Of The Skin And Scalp * * * Pimples on Face, Red Nose, Barber's Itch, * * * Eczema Psoriasis Pimples Tetter * * * Salt Rheum Dandruff Ivy Poison Hives Itching Piles * * * Itch Barber's Itch Dermatitis Herpes Sycosis;" (bottle) "D D D Prescription For The Skin and Scalp * * * Pimples on Face, Red Nose, Barber's Itch * * *;" (extra strong) (carton) "D D D Remedy for Eczema and Diseases Of The Skin * * * for cases of Chronic Dry Eczema And Psoriasis confined to the trunk of the body, arms and legs, which do not respond to treatment with D. D. D. Ordinary * * *;" (bottle) "D D D Prescription for the Skin * * * prepared especially for Chronic Dry Eczema and Psoriasis * * *." All three style packages were further labeled in part: (Circular) "To subdue Eczema and Skin Diseases * * * Use D. D. D.—The Lotion for Skin Disease * * *;" (booklet) "* * * D. D. D. The Lotion for Skin Disease * * * In nearly all instances D. D. D. gives relief at once. * * * It is indeed true that the first or second full size bottle will relieve the itch and will be found to be sufficient in the majority of cases of skin disease. In practically all cases the fourth or fifth or at the very most the sixth bottle will plainly indicate to the patient that he is on the road to recovery. * * * continue the use of D. D. D. prescription until the desired results are obtained. * * * D. D. D. is a treatment. * * * The Most Common Forms of Skin Disease Successfully Treated by D. D. D. Eczema (Salt Rheum; Tetter) * * * Psoriasis * * * Barber's Itch * * * Sycosis * * * Acne * * * Dandruff * * * Hives, Nettlerash * * * Plant Poison * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of phenol, chloral hydrate, and salicylic acid, with small amounts of methyl salicylate and thymol, in glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, appearing in the circular and booklet and on the cartons and bottles, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 9, 1920, the D. D. D. Co., Chicago, Ill., claimant, having consented to decrees, judgments were entered declaring the product to be misbranded, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

9306. Misbranding of Dr. A. W. Chase's Nerve Pills. U. S. * * * v. 9 Dozen Packages of * * * Dr. A. W. Chase's Nerve Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13432. I. S. No. 10028-t. S. No. W-714.)

On or about September 2, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 dozen packages of Dr. A. W. Chase's Nerve Pills, remaining in the

original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Dr. A. W. Chase Medicine Co., Buffalo, N. Y., in part on or about March 20, 1920, and in part on or about May 25, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of strychnine, arsenic, ferrous carbonate, a salt of manganese, and aloes.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part as follows, "Builds up the System Cures * * * Nervous Prostration * * * Nervous Headache Female Trouble * * * Heart Failure Dizziness & Fainting Sleeplessness and General Weakness," (circular) "Hysteria, Hystero-epilepsy, Epilepsy, St. Vitus dance, Paralysis, Locomotor-Ataxia, Insanity * * * await * * * the chance to enter. The Cure Is alone found in Dr. A. W. Chase's Nerve Pills. A medicine rich in all the elements that go to make rich red blood and to supply the hungry nerves with proper nourishment, a medicine that supplies what is lacking, the very essence of existence, the active principle of life—Nerve Force * * * Sexual Wrecks * * * in Dr. A. W. Chase's Nerve Pills, the victim of excess finds a medicine that reaches the seat of trouble and cures * * * re-invigorates, by re-supplying the very essential of health, Nerve Force. Once this health-giving force reaches the relaxed and debilitated organ in proper quantity, the organ begins to rebuild itself and takes its place as capable as ever of carrying out its work * * * Occasional irregularity, or * * * slight and fearfully painful menstruation * * * the absence of a healthy flow * * * a complete relaxation and loss of power upon the part of the uterine organs * * * It is in such cases as these * * * that * * * Nerve Pills show their sterling qualities * * * by re-supplying the element lacking, Nerve Force * * * Sterility * * * The * * * use of * * * Nerve Pills always results in an awakening and return of power to those organs * * * Girlhood to womanhood * * * Nerve Pills * * * by their ability to supply a world of nerve force and physical energy and to manufacture the richest quality of blood, makes the passage * * * easy and safe * * * Feeble Little Ones * * * due to Diphtheria, Measles, Scarlet Fever, etc. * * * Nothing could reach * * * in a more rapid or happy manner than do * * * Nerve Pills, a preparation designed expressly to furnish to these weak and puny little ones all that is essential to their re-building and re-invigorating * * * A True Tonic * * * results once obtained are doubly certain and lasting * * * This is the only medicine that cures by rebuilding, re-invigorating and re-supplying what is lacking—good blood and nerve force," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9307. Misbranding of Gold Medal Compound Pills. U. S. * * * v. 3 Dozen Packages of * * * Gold Medal Compound Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13434. I. S. No. 10034-t. S. No. W-719.)

On or about September 2, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen packages of Gold Medal Compound Pills, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the

S. Pieffer Mig. Co., St. Louis, Mo., on or about April 27, 1920, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of ferrous sulphate, aloes, and oil of pennyroyal.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part as follows, (circular) "Gold Medal Compound Pills. Begin by taking one Pill before each meal * * * Four or five days before the expected appearance of the menstrual flow, drink freely * * * of hot ginger tea * * * in cases of suppressed menstruation * * *," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9308. Misbranding of Howell's Lymphine Tablets. U. S. * * * v. 17 Dozen Packages of * * * Howell's Lymphine Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13573. I. S. No. 10042-t. S. No. W-742.)

On or about September 2, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 dozen packages of Howell's Lymphine Tablets, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Chas. H. Howell & Co., New York, N. Y., on or about February 5 and August 12, 1920, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of ferrous carbonate, nux vomica, aloes, and phosphorus.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part as follows, (wrapper and bottle label) "Nervous prostration, dyspepsia, nervous indigestion, * * * catarrh, melancholia, woman at change of life, premature decay and all nervous and mental disease," (circular) "Lymphine Tablets * * * Vitalizer * * * Restore nerve and brain tissues * * * Relieve all forms of weakness * * * not only alleviates but in many cases cure mental and physical diseases * * * such as Neurasthenia or Nervous Prostration, Depleted Nerve Force, Impoverished or Impure Blood, Diseases of the Digestive or Eliminative System, Nervous Dyspepsia, Female Disorders attendant on the Change of Life, Irregularities of Uterine Troubles generally, etc., * * * improve vital powers in both sexes * * * of inestimable value to sufferers from locomotor ataxia * * * Debility * * * Restore youthful vigor and elasticity * * * Melancholia * * * for all nervous mental disorders * * * Liquor and drugs addictions, * * * the best remedy in female disorders * * * catarrh * * *," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9309. Misbranding of Lewis Nerve Pills. U.S. * * * v. 3 Dozen Packages of * * * Lewis Nerve Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13593. I. S. No. 10019-t. S. No. W-700.)

On or about September 2, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen packages of Lewis Nerve Pills, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the A. H. Lewis Medicine Co., St. Louis, Mo., in part on or about February 14, 1920, and in part on or about May 17, 1920, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of phosphorus, an iron salt, phosphates, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part as follows, (box) "Highly recommended for Nervousness, General Debility, Lack of Energy, Self Distrust, Loss of Memory and Diseases arising from Mental Worry, Overwork, Excesses, etc.," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9310. Misbranding of Dr. LeGear's Hog Prescription. U.S. * * * v. 1 Dozen Cartons and two 25-Pound Pails of Hog Prescription. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11902. I. S. No. 3307-r. S. No. W-569.)

On January 30, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 dozen cartons and two 25-pound pails of an article labeled in part, "Dr. LeGear's Hog Prescription," remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging in substance that the article had been shipped by the Dr. L. D. LeGear Medicine Co., St. Louis, Mo., on March 20 and July 30, 1919, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphates of magnesium and iron, sodium chlorid, ground charcoal, American wormseed, and mill screenings.

Misbranding of the article was alleged in substance in the libel for the reason that the following therapeutic effects were claimed for said article on the cartons and pails, "* * * The Worm Expeller. Good for many cases of so-called Cholera in Hogs, such as Diarrhoea, Bowel Troubles, Kidney Worms, etc. For Diarrhoea, Dysentery and other Bowel Troubles resembling Cholera. For Kidney Worms or Paralysis. To Prevent Disease," which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9311. Misbranding of Wilson's Solution Anti-Flu. U. S. * * * v. Cooper Medicine Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 12372. I. S. Nos. 2151-r, 7006-r, 7024-r, 2616-r, 6893-r, 2370-r, 2656-r.)

On September 18, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cooper Medicine Co., a corporation, having places of business at Dayton and Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Ohio, on or about November 9 and 12, 1918, respectively, into the State of California, on or about November 7, 1918, into the State of Oregon, on or about November 12, 1918, into the State of Washington, on or about November 5 and 14, 1918, respectively, into the State of Missouri, and on or about November 11, 1918, into the State of Wisconsin, of quantities of Wilson's Solution Anti-Flu which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of oil of eucalyptus, thymol, and methyl salicylate.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices, regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for flu, as a powerful antiseptic (to disinfect the nose and throat), and as a preventive against influenza, colds, and grip, when, in truth and in fact, it was not.

On April 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9312. Adulteration and misbranding of Effervescente Magnesia. U. S. * * * v. Paul Guagliardo and John B. Marone (Milano Pharmacal Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 12375. I. S. No. 12564-r.)

On July 20, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul Guagliardo and John B. Marone, copartners, trading as Milano Pharmacal Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on October 23, 1918, from the State of New York into the State of Massachusetts, of a quantity of Effervescente Magnesia which was adulterated and misbranded. The article was labeled in part, "Prodotti Speciali Milano's Effervescente Magnesia * * * Milano Pharmacal Co. New York."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted principally of sodium bicarbonate, tartaric acid, citric acid, boric acid, and sugar, with only traces, if any, of sulphates and magnesium.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard or quality under which it was sold, and in that it was a mixture composed of sodium bicarbonate, tartaric acid, borax, sugar, and a sulphate, which contained only a trace, if any, effervescent magnesia, and was sold as effervescent magnesia.

Misbranding was alleged in substance for the reason that the statement, to wit, "Effervescente Magnesia," borne on the labels attached to the bottles containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was effervescent magnesia, whereas, in truth and in fact, it was not effervescent magnesia, but was a mixture composed of sodium bicarbonate, tartaric acid, borax, sugar, and a sulphate, which contained only a trace, if any, effervescent magnesia, and for the further

reason that it was a mixture composed of the aforementioned ingredients and was in imitation of, and offered for sale and sold under the name of, another article, to wit, effervescent magnesia.

On March 1, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

9313. Misbranding of The Texas Wonder. U. S. * * * v. 72 Packages and 36 Packages * * * of * * * The Texas Wonder * * *. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12912, 12944. I. S. Nos. 3324-r, 3325-r, 3327-r. S. Nos. W-615, W-617, W-618.)

On June 16 and 19, 1920, respectively, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 72 packages and 36 packages of The Texas Wonder, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., in three shipments of 3 dozen each, on or about May 20 and June 8, 1920, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following therapeutic effects were claimed for the said article on the cartons and in an accompanying circular, (carton) "Texas Wonder * * * A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children," (circular) "Read Carefully. * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved," which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9314. Misbranding of Gauvin's Cough Syrup and Sirop D'Anis. U. S. * * * v. 111 Bottles of Gauvin's Cough Syrup *et al* and U. S. * * * v. 9 Dozen Bottles of Sirop D' Anis *et al*. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12374 to 12378, inclusive, 12692 to 12004, inclusive, 12896 to 12699, inclusive, 12709 to 12717, inclusive, 12743 to 12751, inclusive, 12931 to 12943, inclusive, 12350 to 12963, inclusive. I. S. Nos. 405-r to 408-r, inclusive, 410-r, 413-r to 415-r, inclusive, 475-r, 422-r to 436-r, inclusive, 438-r to 444-r, inclusive, 1101-r to 1126-r, inclusive. S. Nos. E-2195, E-2196, E-2203 to E-2205, inclusive, E-2208, E-2210 to E-2212, inclusive, E-2216, E-2217, E-2219, E-2223, E-2224, E-2235 to E-2237, inclusive, E-2243, E-2246 to E-2248, inclusive, E-2252 to E-2257, inclusive, E-2263, E-2265, E-2266, E-2364, E-2366 to E-2391, inclusive.)

On June 18 and 24, 1920, respectively, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 396½ dozen bottles of Gauvin's Cough Syrup and approximately 313½ dozen bottles of Sirop D'Anis, remaining unsold in the original unbroken packages at various places in Rhode Island, consigned by J. A. E. Gauvin, Lowell, Mass., alleging that the articles had been shipped from Lowell, Mass., between the dates July 9, 1918, and April 23, 1920, and transported from the State of Massachusetts into the State of Rhode Island, and charging misbranding in violation of the

Food and Drugs Act, as amended. A portion of the Gauvin's Cough Syrup was labeled in part: (Bottle) "* * * For * * * La Grippe, Whooping-Cough & all Affections of the Throat & Lungs, * * *;" (carton, English and French) "* * * Recommended For * * * 'la Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung Diseases * * *," (circular) "* * * Successfully used in all affections of the Throat, Bronchi and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the chest; * * * Spasmodic Coughs, * * *," (French) "* * * Used against all Affections of the Throat, Bronchi and Lungs. * * * Gauvin Cough Syrup is fully indicated for treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs, Asthma, Whooping Cough, Grippe, Hoarseness, Influenza and the first stages of Consumption. * * * Tuberculosis and Epidemic Grippe * * * Diseases of the Chest * * * Gastric Disorders." The remainder of the Gauvin's Cough Syrup was labeled in part: (Bottle) "* * * For * * * 'La Grippe,' Whooping-Cough & all Affections of the Throat & Lungs * * *;" (carton, English and French) "* * * Recommended For * * * 'la Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * for all Diseases of the Respiratory Organs * * *," (circular, English and French) "* * * the greatest possibilities of a radical cure * * * highly recommended for all Affections Of The Respiratory Organs. * * * its persistent use produces a beneficial relief in serious as well as desperate cases. * * * a remedy for all Affections of the Respiratory Organs: Throat Bronchial Tubes and Lungs. * * * the use of Gauvin's Syrup in the treatment of more severe cases of * * * Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proven conclusively the efficacy of this remedy. * * * especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, * * * it will relieve the worst cases. * * *." A portion of the Sirop D'Anis was labeled in part: (Bottle) "* * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful." The remainder of the Sirop D'Anis was labeled in part: (Bottle) "* * * For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition. * * *," (French) "For Babies This syrup is administered in cases of Colic, Diarrhoea, Dysentery, Painful Dentition, Sleeplessness, Coughs, Colds, etc." All consignments of the Sirop D'Anis were further labeled in part: (Wrapper) "* * * For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.," (French) "* * * For Babies This syrup is administered in cases of Colic, Diarrhoea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc.;" (circular) "* * * (For Babies) * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness. Recommended for babies and children when the process of dentition is painful," (French) "* * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Colds and Chills (Refroidissements). Recommended for babies and children when dentition is painful and when wanting sleep."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the cough sirup consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water, and that the sirup of anise consisted essentially of morphine acetate, oil of anise, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements were false and fraudulent in that the said articles con-

tained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9315. Misbranding of Savatan. U. S. * * * v. 12 Packages of * * * Savatan. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13428. I. S. No. 10032-t. S. No. W-718.)

On or about September 2, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 packages of Savatan, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the S. Pfeiffer Mfg. Co., St. Louis, Mo., on or about April 27, 1920, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the contents of the capsules consisted essentially of oils of tansy and mint, and green apioi.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the circulars as follows, “* * * Begin by taking one Savatan * * * Four or five days before the expected appearance of the menstrual flow * * *,” which statements were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9316. Misbranding of Parto-Glory. U. S. * * * v. 4 Dozen Bottles of * * * Parto-Glory. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13459. I. S. No. 10005-t. S. No. W-665.)

On or about September 2, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 dozen bottles of Parto-Glory, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Partola Distributing Co., New York, N. Y., alleging that the article had been shipped on or about September 11, 1919, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an aqueous solution containing iron, strychnine, quinine, and potassium bromid.

It was alleged in substance in the libel that the article was misbranded in that it was labeled in part as follows, (bottle) “* * * Tonic for The Nerves,” (can) “* * * For The Nerves * * * For Every Form Of Nervous Affliction. * * * Used With Remarkable Success, * * * Wherever Nerves Have Been Affected, Also In Afflictions Due Directly To Weakened Nerves, Such As: Run Down Condition, Nervous Prostration, Melancholia, Brain Fag, Poor Memory, Shaky Hands Or Knees, Tired Feeling, * * * Nervous Dyspepsia, Neuralgia, Effects Of Tobacco Or Alcohol * * *,” (circular) “The Great Upbuilder Of The Nervous System

* * * Headaches, Neuralgia, Nervous Twitchings, Irritability, Tired, Run-Down Feeling, Weariness, Lassitude, * * * Loss of Memory * * * Great Wonderful Nerve Tonic * * * strengthening and invigorating * * * when * * * Run-down, Fagged-out, Nervous, Irritable * * * take Parto-Glory, * * * a genuine, powerful nerve tonic, that builds up from the bottom. * * * Parto-Glory contains restoring energies for young men who started off with the idea that nothing could sap the energies of their youth, and who have, therefore, 'gone the pace of youthful error' too rapidly. Parto-Glory is a friend in need for men and women who have indulged too freely in the excesses * * *, which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9317. Adulteration of pies. U. S. * * * v. One Case Containing 46 * * * Pies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13477. I. S. No. 630-t-S. No. C-2353.)

On August 20, 1920, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on or about August 30, 1920, an amendment thereto, for the seizure and condemnation of one case containing 46 pies, more or less, remaining unsold in the original unbroken packages at Benton Harbor, Mich., alleging that the article had been shipped by the Case & Martin Co., Chicago, Ill., on or about August 28, 1920, and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a certain substance had been substituted in whole or in part for the article, that is to say, saccharin had been substituted for a certain other product, to wit, sugar; for the further reason that saccharin had been mixed therewith so as to injuriously affect its quality and strength and in a manner whereby the inferiority of said article was concealed; and for the further reason that the article contained an added poisonous and deleterious ingredient, namely, saccharin, which might render it injurious to health.

On March 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9318. Misbranding of Madame Dean Female Pills (Special). U. S. * * * v. 8 Packages of Madame Dean Female Pills (Special). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13479. I. S. No. 3847-t. S. No. C-2292.)

On August 21, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 packages of Madame Dean Female Pills (Special), remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about July 30, 1919, and transported from the State of Pennsylvania into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and wrapper) "Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation;" (booklet) "* * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for

these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine function;" (circular) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation, * * * continue their use until relieved * * * take * * * until the menstrual flow commences again."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of quinine, aloes, ferrous sulphate, corn-starch, senecio flowers and herb, and ginger.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, as amended, in that the above-quoted statements appearing on the label, regarding the curative and therapeutic effects of said article, were false and fraudulent.

On February 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9319. Misbranding of olive oil. U. S. * * * v. 74 Cans of * * * Olive Oil * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14007. I. S. No. 5232-t. S. No. E-2917.)

On December 9, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 74 cans of olive oil, remaining unsold in the original unbroken packages at Pawtucket, R. I., consigned by the O. K. Olive Oil Co., New York, N. Y., alleging that the article had been shipped from New York City on or about August 23, 1920, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, (cans) "Olive Oil * * * Net Contents One Pint."

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the labels, "Net Contents One Pint," was false and misleading and deceived and misled the purchaser into the belief that each of the cans contained one pint of olive oil, whereas it did not, being short in volume 3.72 per cent, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of said article, (cans) " * * * for dyspepsia, * * * gall stones, * * * prevents appendicitis and relieves stomach troubles. * * * unequalled for massage in cases of neurasthenia, rheumatism, and nervous troubles and acts as an ideal nerve tonic. * * * against dandruff * * * grows the hair," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9320. Misbranding of Moreau's Wine of Anise. U. S. * * * 2 Dozen, 13 Dozen, and 8 Dozen Bottles of Wine of Anise. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 10745, 10746, 10747. I. S. Nos. 12981-r, 13041-r, 12980-r. S. Nos. E-1531, E-1550, E-1570.)

On June 24, 1919, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 dozen, 13 dozen, and 8 dozen bottles of Wine of Anise, remaining unsold in the original unbroken packages at Woonsocket and Central Falls, R. I., respectively, alleging that the article had been shipped by the Lafayette Co., Berlin, N. H., on or about April 22, 10, and 22, 1919, respectively, and transported from the State of New Hampshire into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper) "Moreau's Wine of Anise Compound For Children * * *. This mild, medicated sweetened Wine is given to children in cases of Colic, Diarrhoea, Dysentery, Indigestion, Sour Stomach, Vomiting Cold, Cough, Painful Dentition, Irritable, Fretful and Sleepless children," (French) "Moreau's Wine of Anise Compound for Children. * * * This Wine of Anise Compound aids in calming and procuring sleep in children who suffer from Colic, Diarrhoea, Dysentery, Indigestion, Sour Stomach, Vomiting Coughs, Cold, Painful Dentition, Loss of sleep, Nervousness and Irritability;" (bottle label contains same statements as wrapper in English and French with additional statement in both languages) "To weak children mix the medicine * * *;" (circular) "Moreau's Wine of Anise Compound For Children * * * This pure, mild, sweetened and medicated wine is given to children in cases of Colic, Diarrhoea, Dysentery, Indigestion, Sour Stomach, Vomiting, Cold, Cough, Painful Dentition, Irritable, fretful and sleepless children. Its action has long ago placed it in all mothers' confidence and they estimate it highly, knowing that Moreau's Wine of Anise Compound containing a pure, mild, sweetened wine is preferable to any soothing remedy compounded with syrup only. * * * is scientifically prepared with the best of Anise and other ingredients of merit. To weak children give * * * For babies cutting teeth rub a little * * * on the gums often. * * *," (French) "Moreau's Wine of Anise Compound For Children * * * aids in calming and procuring sleep in children who suffer from Colics, Diarrhoea, Dysentery, Indigestion, Sour Stomach, Vomiting, painful Dentition, Coughs, Colds, Loss of sleep, Nervousness and Irritability. Its action has since a long time placed it in the first rank and all the mothers who have used it know that Moreau's Wine of Anise Compound containing a rich, sweetened and pure wine is preferable to any other soothing remedy compound only of syrup * * * is especially prepared with the best quality of Anise and other medicines of merit. To weak children, give * * * during dentition wet the finger in Moreau's Wine of Anise Compound and rub the gums often."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of morphine acetate, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the therapeutic and curative effects thereof were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On March 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9321. Misbranding of cottonseed meal. U. S. * * * v. The Eikenberry-Fitzgerald Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12373. I.S. Nos. 10914-r, 10928-r.)

On September 15, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eikenberry-Fitzgerald Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 2 and 3, 1919, respectively, from the State of Ohio into the State of Kentucky, of quantities of cottonseed meal which was misbranded. The article was labeled in part, " * * * Nutritia Cotton Seed Feed Made By The Eikenberry-Fitzgerald Co., Cincinnati, Ohio * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

| | Shipment of May 2. | Shipment of May 3. |
|-----------------------------|-----------------------|-----------------------|
| Crude fiber (per cent)..... | 17.73 | 15.79 |
| Nitrogen (per cent)..... | 5.14 | 5.57 |
| Ammonia (per cent)..... | 6.24 | 6.77 |
| Protein (per cent)..... | 32.10 | 34.80 |

Misbranding of the article was alleged in the information for the reason that the following statement, regarding the article and the ingredients and substances contained therein, appearing on the tags attached to the sacks containing the article, to wit, "Guaranteed Analysis Protein 36.00 Per Cent. * * * Fiber 14.00 Per Cent," was false and misleading in that it represented that the article contained not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas, in truth and in fact, said article contained less protein and more fiber than declared, to wit, approximately 34.80 and 32.10 per cent, respectively, of protein and 15.79 and 17.73 per cent, respectively, of fiber.

On April 2, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9322. Misbranding of Wampole's Phosphorus, Nux and Damiana. U. S. * * * v. 9 Bottles and 2½ Dozen Bottles of Patent Medicine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13703, 13732. I.S. Nos. 9202-t, 9215-t. S.Nos. E-2752, E-2754.)

On September 16 and 29, 1920, respectively, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 9 bottles and 2½ dozen bottles of a drug known as Phosphorus, Nux and Damiana, consigned by the Henry S. Wampole Co., Baltimore, Md., remaining in the original unbroken packages at Raleigh and Wilmington, N. C., respectively, alleging that the article had been shipped on or about July 12 and June 14, 1920, respectively, and transported from the State of Maryland into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) " * * * For an exhausted nervous system, Nervous weakness & Lost Vitality, Impotence, Insomnia, Hysteria, Nervous Depression and other Diseases of the Brain & Nerves Of Both Sexes * * * Renewing Strength, Restoring Lost Vitality and Increasing All The Physical Powers."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of damiana, nux vomica, and phosphorus.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative or therapeutic effects thereof were false, fraudulent, and misleading in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, and which were applied to the article, with a knowledge of their falsity, for the purpose of defrauding purchasers thereof.

On December 13 and 17, 1920, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9323. Misbranding of dairy feed. U. S. * * * v. The Nutritia Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 13923. I. S. No. 10921-r.)

On February 7, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Nutritia Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 20, 1919, from the State of Ohio into the State of Kentucky, of a quantity of dairy feed which was misbranded. The article was labeled in part, “* * * Sunshine Dairy Feed * * * Manufactured by The Nutritia Co., Cincinnati, O.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 13.38 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, “Guaranteed Analysis Protein 16%,” borne on the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 16 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, whereas, in truth and in fact, it contained less than 16 per cent of protein, to wit, 13.38 per cent of protein.

On April 2, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9324. Adulteration and misbranding of vinegar. U. S. * * * v. 500 Cases of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13990. I. S. No. 5913-t. S. No. E-2910.)

On December 4, 1920, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases, each case containing 24 bottles, of vinegar, remaining in the original unbroken packages at Monessen and McKeesport, Pa., respectively, alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., on September 3, 1920, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: “Steuben Brand Reduced Cider Vinegar Fermented Reduced To 4% Acetic Acid Made From Apples M'd April 1919 Net Contents One Pint Naas Cider & Vinegar Co., Inc. * * *.”

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and water had been mixed and packed with, and substituted wholly or in part for, the article. Adulteration was alleged for the further reason that the said article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement, “Cider Vinegar Fermented Reduced To 4% Acetic Acid Made From Apples” (design showing whole

apple), was false and misleading and deceived and misled the purchaser, for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1921, the Naas Cider & Vinegar Co., Cohocton, N. Y., claimant, having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

9325. Adulteration of eggs. U. S. * * * v. 414 Cases of Eggs. Good portion of product released under bond. Judgment of condemnation, forfeiture, and destruction with reference to bad portion. (F. & D. No. 14002. I. S. No. 4143-t. S. No. C-2596.)

On November 12, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 414 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by the Bronx Refrigerating Co., New York, N. Y., on November 3, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 26, 1920, Anthony M. Fox, John L. Fox, Joseph J. Fox, Frank G. Fox, Michael E. Fox, William J. Fox, Bert E. Fox, Peter Fox, Jr., and Robert J. Fox, trading as Peter Fox & Sons Co., Chicago, Ill., having entered an appearance as claimants of the property, and the product having been inspected and candled under the supervision of this department, it was ordered by the court that upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, the good portion of the product should be released to said claimants and the bad portion should be destroyed.

E. D. BALL, *Acting Secretary of Agriculture.*

9326. Adulteration of eggs. U. S. * * * v. 440 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14085. I. S. No. 1991-t. S. No. C-2598.)

On November 20, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 440 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Jackson Dairy Co., Marshalltown, Iowa, on May 1, 1920, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 27, 1920, Randack & Co., 730 West Randolph St., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department and the bad portion destroyed.

E. D. BALL, *Acting Secretary of Agriculture.*

9327. Adulteration of coal-tar color. U. S. * * * v. 1½ Pounds of Coal-Tar Color * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14664. I. S. No. 8288-t. S. No. E-3201.)

On March 19, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1½ pounds of coal-tar color, consigned on or about February 28, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 lb. Net W. B. Wood Mfg. Co., St. Louis, Mo. Complies with all requirements quality—color Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that said article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On April 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9328. Adulteration and misbranding of vinegar. U. S. * * * v. 446 Cases * * * and 600 Cases * * * of Cider Vinegar. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 14284, 14290. I. S. Nos. 5246-t, 5024-t. S. Nos. E-3081, E-3123.)

On February 5 and 14, 1921, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information for the seizure and condemnation of 446 cases and 600 cases, more or less, of cider vinegar, so called, remaining in the original unbroken packages at Somerville and Springfield, Mass., respectively, consigned by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., alleging that the article had been shipped from Cohocton, N. Y., on or about July 12 and August 7, 1920, respectively, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Steuben Brand Reduced Cider Vinegar Fermented * * * Net Contents One Pint" (pictorial representation of a red apple), or "Steuben Brand Reduced Cider Vinegar Fermented Made From Apples * * * Net Contents One Pint" (pictorial representation of a red apple) (in smaller type) "Reduced to 4% Acetic Acid," "Naas Cider & Vinegar Co., Inc., Cohocton, N. Y."

Adulteration of the article was alleged in the libels of information for the reason that a substance, to wit, distilled vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for pure cider vinegar, which the article purported to be. Adulteration was alleged for the further reason that distilled vinegar had been mixed with said article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the foregoing statements appearing on the bottles containing the article, regarding the article and the ingredients contained therein, were false and misleading in that they represented to the purchaser thereof that the said article was pure cider vinegar, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure cider vinegar, whereas, in truth and in fact, it was not, but was a product composed in part of distilled vinegar. Misbranding was alleged for the further reason that the article was a product composed in

part of distilled vinegar prepared in imitation of pure cider vinegar, and was offered for sale under the distinctive name of another article, to wit, pure cider vinegar. Misbranding was alleged in substance for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct in that said contents were stated as 1 pint, whereas, in truth and in fact, the contents were less than 1 pint. Misbranding was alleged with respect to a portion of the product for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure cider vinegar reduced to 4 per cent acetic acid strength, whereas, in truth and in fact, it was not pure cider vinegar, but was a product composed in part of distilled vinegar and contained a higher average of acidity than 4 per cent, and for the further reason that the article was food in package form, and bore the aforesaid statements and representation of an apple, which were false and misleading to purchasers thereof in that they misled said purchasers into the belief that the contents of said packages were pure cider vinegar made from apples.

On April 15, 1921, the Naas Cider & Vinegar Co., a corporation, Cohocton, Steuben County, N. Y., having entered an appearance as claimant for the property and having executed a good and sufficient bond in conformity with section 10 of the act, judgments were entered finding the product to be adulterated and misbranded as set forth in the libels of information and ordering its condemnation, and it was further ordered that the product be released to the said claimant upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

9329. Adulteration of coal-tar color. U. S. * * * v. 5 * * * Cans * * *, 3 * * * Cans * * *, and 1 Can * * * of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14669, 14670, 14685. I. S. Nos. 3686-t, 3687-t, 3688-t, 3689-t, 2337-t, 2338-t, 7867-t. S. Nos. E-3190, E-2203, E-3207.)

On March 24 and 30, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 cans, 3 cans, and 1 can, more or less, of coal-tar color, remaining in the original unbroken packages at Minersville, Philadelphia, and Bethlehem, Pa., respectively, consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 1 and 3, 1921, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co., St. Louis, Mo. Complies with all requirements Quality Color Contents Red" (or "Green" or "Yellow").

Adulteration of the article was alleged in the libels for the reason that sodium sulphate and sodium chlorid had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render said article injurious to health.

On April 18, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9330. Misbranding of cottonseed meal. U. S. * * * v. 275 Sacks * * * of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 594-c. I. S. No. 13402-t.)

On or about November 29, 1920, the United States attorney for the District of Kansas, acting upon a report from the Agricultural College at Manhattan, Kans.,

filed in the District Court of the United States for said district a libel for the seizure and condemnation of 275 sacks, more or less, of cottonseed meal, remaining in the unbroken packages at Lawrence, Kans., alleging that the article had been sold by S. P. Davis, Little Rock, Ark., to a firm in Lawrence, Kans., and packed and shipped by the United Oil Mills, Ashdown, Ark., on or about October 27, 1920, and transported from the State of Arkansas into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "100 Pounds * * * Good Luck Brand Cotton Seed Meal S. P. Davis, Shipper; 207-208-209 Southern Trust Bldg., Little Rock, Ark."

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted label was false and calculated to induce the purchaser to believe that each of the said sacks contained 100 pounds of cottonseed meal, and that S. P. Davis of Little Rock, Ark., was the shipper of the article, whereas, in truth and in fact, each of said sacks contained a much less quantity than 100 pounds, and the said article was not shipped by S. P. Davis, but was shipped by the United Oil Mills of Ashdown, Ark.

On January 25, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold, the purchaser to execute a bond in the sum of \$500, conditioned in part that the product be relabeled so as to show the true nature and amount of the contents of the said sacks, and further conditioned that it be not sold or offered for sale in violation of Federal or State law.

E. D. BALL, *Acting Secretary of Agriculture.*

9331. Adulteration and misbranding of Canada Cod. U. S. * * * v. 8 Boxes, 30 Boxes, 10 Boxes, 25 Boxes, 15 Boxes, 7 Boxes, 10 Boxes, and 10 Boxes of Canada Cod. Consent decree of condemnation and forfeiture with respect to greater portion. Same released under bond. Default decree of condemnation, forfeiture, and destruction with respect to a small portion. (F. & D. Nos. 11934, 11935, 11936, 12212, 12213, 12214, 12241, 12245. I. S. Nos. 13323-r, 13325-r, 12579-r, 13216-r, 13217-r, 13218-r, 12703-r, 12794-r. S. Nos. E-1962, E-1963, E-1964, E-1996, E-1997, E-1998, E-1985, E-1986.)

On February 11, February 20, and March 2, 1920, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information against 8 boxes, 30 boxes, 10 boxes, 25 boxes, 15 boxes, 7 boxes, 10 boxes, and 10 boxes of Canada Cod, at New Bedford, Brockton, Fall River, Lynn, and Boston, Mass., consigned by the Beaver Harbour Trading Co., Eastport, Me., and St. John, N. B., between the dates October 29, 1919, and December 16, 1919, alleging that the article had been shipped from Eastport, Me., and transported from the State of Maine into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Canada Cod."

It was alleged in the libel that the article was adulterated in that hake had been substituted wholly for cod.

Misbranding was alleged in substance for the reason that the statement on the package containing the article, "Canada Cod," was false and misleading in that the said article was not cod. Misbranding of a portion of the article was alleged for the further reason that it was an imitation of, and offered for sale under the distinctive name of, another article.

On April 28, 1920, the George Wm. Bentley Co., 192 State St., Boston, Mass., having entered an appearance as claimant for the greater portion of the product and having filed a good and sufficient bond, in conformity with section 10 of the act, judgment was entered declaring the product to be adulterated and misbranded as charged in the libel of information and condemning the same, and it was ordered by the court

that the product be released to said claimant upon payment of the costs of the proceedings. On February 10, 1921, no claimant having appeared for the portion of the product libeled as 15 boxes of Canada Cod, at Lynn, Mass., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9332. Misbranding of Gauvin's Cough Syrup. U.S. * * * v. 87 Bottles of Gauvin's Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12861. I. S. No. 449-r. S. No. E-2344.)

On June 12, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 87 bottles of Gauvin's Cough Syrup, remaining unsold in the original unbroken packages at Willimantic, Conn., alleging that the article had been shipped by J. A. E. Gauvin, Lowell, Mass., on or about August 7, 1919, and transported from the State of Massachusetts into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the bottles and cartons containing the article and the accompanying circular bore, among other important false and fraudulent statements regarding the cure and mitigation of certain diseases, the following statements regarding its therapeutic effects, to wit: (Bottle) " * * * For babies * * * lagrippe, whooping cough and all affections of the throat and lungs * * *;" (carton, English and French) " * * * Recommended For * * * 'la Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung Diseases * * *;" (circular) " * * * Successfully used in all affections of the Throat, Bronchi and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the Chest; * * * Spasmodic Coughs, * * *," (French) " * * * Used against all Affections of the Throat, Bronchi and Lungs. * * * Gauvin's Cough Syrup is fully indicated for treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs, Asthma, Whooping-Cough, Grippe, Hoarseness, Influenza and the first stages of Consumption * * * Tuberculosis and * * * Epidemic Grippe * * * Diseases of the Chest * * * Gastric Disorders * * *."

On September 15, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9333. Adulteration and misbranding of Salt-Sulphur Water. U.S. * * * v. 5 Barrels of Salt-Sulphur Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13753. I. S. No. 6259-t. S. No. E-2794.)

On October 5, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on November 22, 1920, an amended libel, for the seizure and condemnation of 5 barrels of Salt-Sulphur Water, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by the Salt-Sulphur Water Co., Excelsior Springs, Mo., on or about August 20,

1920, and transported from the State of Missouri into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Salt-Sulphur Water * * * This Water Is A Recognized Remedy For Chronic Constipation * * * Bottled At Excelsior Springs, Mo. By The Salt-Sulphur Water Co."

Adulteration of the article considered as a food was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding of the article considered as a drug was alleged in substance in the libel, as amended, for the reason that the labels upon the barrels containing the article bore the following statements regarding the curative and therapeutic effect thereof, " * * * This Water Is A Recognized Remedy * * * Invaluable In The Treatment Of Inflammatory And Catarhal Conditions Of The Stomach And Intestines As Well As Diseases Of The Liver. Its Continued Use Stimulates To Healthy Action The Stomach, Liver And Kidneys," which statements were false and fraudulent and were intended to be of such a character as to mislead the purchaser in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9334. Misbranding of Dr. Carey's Marsh Root. U.S. * * * v. 3 Dozen Bottles of Dr. Carey's Marsh Root. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13817. I. S. No. 7523-t. S. No. E-2837.)

On October 22, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen bottles of Dr. Carey's Marsh Root, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by The Carey Medical Corporation, Rochester, N. Y., on or about July 30, 1920, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of plant extractives including alkaloidal material, sodium and potassium salts, salicylates, aromatic oils, sugar, glycerin, alcohol, and water. The presence of juniper, saw palmetto, buchu, uva ursi, and belladonna was indicated.

Misbranding of the article was alleged in substance in the libel for the reason that the carton and bottle containing the article and the accompanying circular bore, among other important false and fraudulent statements, regarding the cure and mitigation of certain diseases, the following statements regarding its therapeutic and curative effects, to wit, (carton) " * * * The Marsh Root Prescription is indicated in the treatment of Bright's disease (before casts are formed), diabetes, kidney, bladder and urinary troubles, disordered liver, stomach and blood diseases * * * this wonderful remedy * * * is advocated for the treatment of chronic and acute kidney, bladder, stomach, liver and urinary diseases * * * restores impoverished blood to the rich, red condition of perfect health. Marsh Root removes the cause * * *," (circular) " * * * This wonderful remedy is a prescription used by Dr. Carey, with marvelous success, for many years in the treatment of kidney and bladder troubles, Bright's disease, and difficulties of the liver * * * for the benefit of all sufferers from those dread diseases. * * * This splendid remedy has proven itself of great value in the treatment of Bright's disease, diabetes, all urinary troubles, retention, scanty, stoppage, too frequent and brickdust. Catarrh of the bladder, gravel and gall

stones are positively relieved by this treatment. In cases of spermatorrhoea, debility and seminal weakness, Dr. Carey's Marsh Root will be found invaluable. * * * makes the blood rich, red and healthy, * * * all that is claimed for Dr. Carey's Marsh Root, is beyond any question of doubt. There are thousands alive today who would be in their graves, caused by the awful effect of kidney and bladder trouble, if they had not used this wonderful medicine, Marsh Root. * * * kidney diseases * * * bladder troubles * * * paralysis of the bladder, diabetes * * * uric acid * * * eczema, or tetter. Gravel * * * brickdust, sand or gravel * * * Bright's disease * * * diseased condition of the ovaries * * * painful and unnatural menstruation. Marsh Root makes the kidneys strong and active and removes the uric acid which causes the pain, builds up the blood, increases its circulation, and regulates the monthly flow. Gravel or stone in the bladder. * * * Marsh Root cures gravel by dissolving the stones and deposits so that they are carried off with the urine. By making the kidneys and bladder strong and healthy they do not form again. Diabetes sugar in the urine * * * relief can be obtained much sooner if you procure Marsh Root to build up the digestive organs * * * cured thousands of people * * * Backache, weak back * * * gout, diabetes, Bright's disease, gravel, irritation of the bladder, scalding of the urine, swelling of the ankles, dropsy, or some other form of kidney or urinary trouble. Marsh Root has a direct and specific action in all form of kidney, bladder and urinary trouble, giving the kidneys strength to cast off all poisonous matter from the blood, thus stopping the cause of all diseases of this nature * * * best known remedy for bed wetting in children and old people * * *, (bottle) "Dr. Daniel G. Carey's Marsh Root Prescription No. 777 for Kidney and bladder troubles. Relieves bladder and urinary diseases, such as inflammation of the bladder and urethra, cystitis and pain in kidney region, loins and back; too frequent and copious or too scanty flow of urine; that smarting burning sensation when urinating and will be found very beneficial in renal calculi or stone in the bladder. Prevents uremic poisoning by carrying off the uric acid in the urine, renal colic, ovarian troubles, bearing down sensation. Children wetting the bed, etc.,," which statements were false, fraudulent, and misleading, and were applied to the said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article was composed of or contained ingredients or medicinal agents effective as a remedy for Bright's disease, diabetes, kidney, bladder, and urinary troubles, disordered liver, stomach and blood diseases, etc., when, in truth and in fact, it was not composed of ingredients effective for the purposes named.

On March 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9335. Adulteration and misbranding of vinegar. U. S. * * * v. 25 Cases and 5 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14157. I. S. Nos. 6357-t, 6358-t. S. No. E-3044.)

On January 8, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each case containing a number of bottles, of vinegar and 5 barrels of vinegar, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., on or about October 1, 1920, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "Steuben Brand Reduced Cider Vinegar Fermented Reduced to 4% Acetic Acid Made From Apples

M'f'd April 1919 Net Contents One Pint Naas Cider & Vinegar Co., Inc., Cohocton, N. Y.;" (barrels) "Pure Cider Vinegar Steuben Brand Made From Apples Reduced to 4 Percentum Mfd Naas Cider & Vinegar Co. Inc. Cohocton, N. Y."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for cider vinegar, which the article purported to be. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels upon the bottles and barrels bore the following statements and design, respectively, regarding the said article, "Cider Vinegar Fermented" (design showing red apple) " * * * Made From Apples," and "Pure Cider Vinegar * * * Made From Apples," which were false and misleading and were intended to induce the purchaser to believe that the article was cider vinegar, whereas, in truth and in fact, it was not, but was a product deficient in cider vinegar and containing distilled vinegar. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously stated in terms of weight and measure on the outside of the said package, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar.

On March 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9326. Misbranding of Cadomene Tablets. U. S. * * * v. 14 Packages, 52 Dozen Bottles, and 2½ Dozen Bottles * * * of Cadomene Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14263, 14275, 14281. I. S. Nos. 5168-t, 5169-t, 5430-t. S. Nos. E-3069, E-3071, E-3079.)

On January 26, 29, and 31, 1921, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information for the seizure and condemnation of 14 packages, 52 dozen bottles, and 2½ dozen bottles, more or less, of Cadomene Tablets, remaining in the original unbroken packages, in part at Boston and in part at Worcester, Mass., alleging that the article had been shipped by the Blackburn Products Co., Dayton, Ohio, on or about October 6 and September 14, 1920, and January 12, 1921, respectively, and transported from the State of Ohio into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of zinc phosphid, strychnine, and iron salts.

Misbranding of the article was alleged in substance in the libels of information for the reason that the following statements regarding its curative and therapeutic effect, (bottle label) "Invigorating * * * for the Treatment of * * * Neurasthenia (Nerve Exhaustion), General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other Symptoms due to * * *. Worry, Grief, Intemperance, Dissipation, Overwork, Mal-Nutrition, Convalescence from Influenza, etc. * * *," (circular) " * * * the benefits to be derived from their use, are such as to recommend them to all who may be afflicted with * * * Neurasthenia, Nervous Exhaustion, General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and

many other symptoms due to * * * Worry, Grief, Intemperance, Dissipation, Mal-Nutrition, Overwork, Etc. * * * valuable for those who are despondent, nervous, irritable and unable to act naturally under the most ordinary circumstances. * * *, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 29, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9337. Misbranding of Kalina Tablets. U. S. * * * v. 9 Boxes, 24 Boxes, and 218 Boxes * * * of Kalina Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14285, 14286, 14292. I. S. Nos. 5017-t, 5028-t, 5416-t. S. Nos. E-3112, E-3113, E-3167.)

On February 9, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information, and thereafter amendments thereto, for the seizure and condemnation of 9 boxes and 24 boxes of Kalina Tablets, and on March 8, 1921, a libel of information for the seizure and condemnation of 218 boxes of Kalina Tablets, remaining in the original unbroken packages at Gardner, Ware, and Lawrence, Mass., respectively, alleging that the article had been shipped in part by J. M. Rutkowski and in part by the Kalina Co., from Buffalo, N. Y., on or about December 27, October 15, and May 1, 1920, respectively, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of plant extractives, including cascara, aloes, pepper, and strychnine.

It was alleged in substance in the libels of information that the article was misbranded in that the following statements, regarding its curative and therapeutic effect, appearing in the labeling of all consignments of the product, (label) * * * Health Restorer For * * * Nervousness, Palpitation of the Heart, Female Troubles, Catarrh, Liver and Kidney Diseases, Headache * * * A Great Blood Purifier * * * For Tired Feeling, Dizziness, Poor Appetite, Piles, Pimples on Face, Skin Troubles and all Blood Disorders * * * All diseases and impurities lurking in the stomach, blood and the whole system, will be eliminated from the body gradually * * * When finishing the cure, one tablet in two days, and later one in three days, will be amply sufficient," (pink circular) * * * Whenever you get * * * Catarrh * * * overwork, or feel any ailment or weakness, take * * * Kalina Tablets, * * * By doing this, you will never be seriously sick, and thereby will avoid a great deal of suffering * * * In cases where disease has settled deeply it is necessary to take Kalina Tablets, every day regularly, * * * by which action all the foreign substances in the Form of Various Diseases Gradually Vanish together with the impurities of the body. In cases where the disease has been chronic and of long duration, it is necessary to use Kalina Tablets, regularly and constantly for a few months, even a year, but finally the body will get rid of the disease and the sick person will regain perfect health and strength. * * *, (pink circular in Polish) "Directions for use Kalina Pills * * * All diseases and impurities settled in the stomach, blood and in the entire system pass away * * * Kalina Pills * * * will cure not only some even chronic diseases, but will keep the body healthy, ruddy, and beautiful to late age. * * * pimples, boils, scabs, blackheads, tetter, in general ugliness, howsoever on body and face," and the following statements appearing in a portion of the product, (white circular in Polish) * * * for diseases of the blood, liver, and kidneys. * * * Rheumatism, catarrh of the stomach, fainting

fits, kidney trouble, hemorrhoids or piles, headache, malaria, fevers, nervousness, jaundice, loss of appetite, pimples, dysentery, dizziness, heartburn, dry rheumatism, female weakness, general debility, * * * diseases of the skin, liver, ulcers, and old sores, pains in the sides, small of back and shoulders and for all diseases produced by impure blood. * * * indigestion, * * * skin eruptions, * * * eczema, scrofula, * * * diseases all vanish. This is done by our 'Kalina' Pills. * * * typhus, inflammation of the lungs * * * 'Kalina' Pills are today the best curative means known to science. They are very effective in destroying microbes and bacteria in the blood * * * This miraculous medicine * * * curative * * * remedy. * * * Kalina Pills solve the great problem of keeping oneself in good health and curing the diseases produced by impure blood. They are marvelous in their results, * * * do not fail to remove all impurities from the blood, * * * cause all organs of the body to function with proper activity. On using these pills, you will feel young, suffering and oppression will vanish and new life will enter into you. * * * best medicine * * * for the blood, liver and kidneys, * * * marvelous in their effects, working directly on the liver, kidneys and blood, removing the germs of disease from the medium (ground). * * * prevent danger from disease and keep the system free from all disorders. * * * Whoever strictly follows our directions can be certain of a secure and successful cure. * * * dropsy, * * * Rheumatism * * * in acute inflammatory form * * * diseases of the kidneys * * * Bright's disease, * * * kidney disease. Pain in back, frequent urination at night, tired feeling, spongy sediment in the urine, irritation, skin inflammation, acid-bitter taste, fickle appetite, coated tongue, headache and neuralgia, catarrh of stomach, etc. * * * Headache, pallor, * * * giddiness, depression, impure urine, pain in the shoulders and congestion (gathering) in right side, indigestion, swelling * * * dryness of the lips, dry tongue, chills, eruptions on the face, yellowness of white of eyes, frequent vomiting, etc. * * * brain disease, * * * Indigestion. * * * Malaria, chills and fever. * * * Weaknesses of Women. * * * grave and chronic diseases. * * * Kalina Pills is a * * * medicine having effective action in diseases of women. * * * monthly periods * * * scanty, profuse or painful, or suppressed, * * * frequent desire to urinate, pain in lower part of the belly, pain in the back, * * * ulcers of the womb, headache, pain in the upper part of the back and neck, swelling of the legs, pain in the breasts, irritation, nervousness, etc. * * * A time tried, reliable remedy * * *, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 29, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9338. Misbranding of Euca-Mul. U. S. * * * v. 9 Dozen Bottles * * * of Euca-Mul. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14386. Inv. No. 27431. S. No. C-2759.)

On February 2, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 dozen bottles, more or less, of Euca-Mul, remaining unsold in the original unbroken packages at Omaha, Nebr., alleging that the article had been shipped by the Edward G. Binz Co., Los Angeles, Calif., on or about December 6, 1920, and transported from the State of California into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and wrapper) "Euca-Mul * * * in croup * * * bronchial asthma, tuberculosis;

whooping cough and other throat and lung affections * * * Relieves * * * bronchial asthma. Especially effective in cough of phthisis and whooping cough."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of oil of eucalyptus, sugars, glycerin, gum, water, and alcohol.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 28, 1921, the Edward G. Binz Co., Los Angeles, Calif., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

9339. Misbranding of Joyner's Gui-A-Col Compound. U. S. * * * v. 4½ Dozen Bottles of Joyner's Gui-A-Col Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14501. I. S. No. 167-r. S. No. E-3168.)

On March 12, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4½ dozen bottles of Joyner's Gui-A-Col Compound, at Elizabeth City, N. C., alleging that the article had been shipped by the Williams-Ellis Drug Co., Norfolk, Va., on or about March 14, 1920, and transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of creosote, potassium iodid, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements on the label regarding the therapeutic effects thereof, (carton) "An Excellent Remedy For * * * Hoarseness, Sore Throat, * * * Whooping Cough, * * * Consumption And All Affections Of The Throat, Chest And Lungs. * * * allays Inflammation of the Throat, Chest, Lungs and Bronchial Tubes. Perfectly Harmless. * * * used with splendid results. * * * remedy for all diseases of the Throat, Chest and Lungs; and will relieve when other remedies fail. One bottle gives immediate relief, and it is warranted to give satisfaction * * *, (bottle) "An Excellent Remedy For * * * Croup, Hoarseness, Sore Throat * * * Whooping Cough * * * Soreness in the Chest, and all affections of the Throat, Chest and Lungs * * *, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding of the article was alleged for the further reason that the statement, "Guaranteed by the Gui-A-Col Medicine Co., Inc., under the Food and Drugs Act, June 30, 1906, No. 34307," was false and misleading.

On April 13, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9340. Adulteration and misbranding of olive oil. U. S. * * * v. 4 Cases * * * of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9218. I. S. No. 7504-r. S. No. C-949.)

On August 7, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, more or less, each containing 20 half-gallon cans, of olive oil, at Chicago, Ill., alleging that the article had been shipped by Nicholas Cosentino, Detroit, Mich., on March 4, 1918, and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the cans containing the article were denominated as to the contents thereof, and labeled as follows, "Full Half Gallon Net Italy Pure Olive Oil Philip Berio e Cie Lucca Tuscany," which statement was false and misleading in that it purported to set forth that the article consisted of pure olive oil, and for the further reason that the statement aforesaid deceived and misled the purchaser into the belief that the said article consisted of pure olive oil, whereas, in truth and in fact, it contained cottonseed oil.

On February 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9341. Adulteration and misbranding of olive oil. U. S. * * * v. 5 Cases * * * of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9220. I. S. No. 7505-r. S. No. C-950.)

On August 7, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, more or less, each containing 40 cans, of olive oil, at Chicago, Ill., alleging that the article had been shipped by Nicholas Cosentino, Detroit, Mich., on March 4, 1918, and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the cans containing the article were denominated as to the contents thereof and labeled as follows, "Italia Olio D'Oliva Puro Felippo Berio & Cie Lucca Toscana One full Quart Net," which statement was false and misleading and deceived and misled the purchaser in that the said statement purported to set forth that the article consisted of pure olive oil, whereas, in truth and in fact, it contained cottonseed oil.

On February 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9342. Misbranding of Milks Emulsion. U. S. * * * v. 7 Dozen Large and 26 Dozen Small Bottles of * * * Milks Emulsion. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 11187, 11188. I. S. Nos. 16417-r, 16418-r, 16419-r, 16420-r. S. Nos. E-1703, E-1704.)

On September 18, 1919, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district a libel for the seizure and condemnation of 7 dozen large and 26 dozen small bottles of Milks Emulsion, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by the Milks Emulsion Co., Terre Haute, Ind., on or about August 13 and 28, 1919, respectively, and transported from the State of Indiana into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the emulsion consisted largely of petrolatum with small amounts of glycerin, sirup, and essential oils. The quantity of the contents of the bottles was less than the amounts stated upon the labels, the average shortage amounting to 26.8 per cent and 24 per cent for the small and 34.25 per cent and 31.4 per cent for the large bottles.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of said article, (bottle label, both sizes) "Milks Emulsion * * * A Valuable Remedy For Dyspepsia, Indigestion, Catarrh Of Stomach And Bowels, * * * Bronchial Asthma, Catarrhal Croup, Bronchitis * * * Especially Beneficial In Incipient Consumption * * *," were false and fraudulent in that the article contained no ingredient capable of producing the effects claimed. Misbranding was alleged for the further reason that the statements upon the cartons containing the bottles, "Net Weight 12 Ounces" and "Net Weight 29 Ounces," respectively, were false and misleading in that the contents of the said bottles weighed much less than 12 ounces and 29 ounces, respectively, and for the further reason that the booklet accompanying each bottle of the said article contained the statement, "Milks Emulsion contains a great amount of fat," which was false and misleading for the reason that the article contained no fat.

On August 14, 1920, the Milks Emulsion Co., Terre Haute, Ind., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the bottles and containers of said bottles be relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

9343. Adulteration and misbranding of Wood's Special Concentrated Sweetener. U. S. * * * v. One Can * * * of Wood's Special Concentrated Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13124. I. S. No. 9321-r. S. No. E-2460.)

On July 29, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one can of Wood's Special Concentrated Sweetener, consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., remaining unsold in the original unbroken package at Providence, R. I., alleging that the article had been shipped from St. Louis, Mo., on or about June 3, 1920, and transported from the State of Missouri into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Wood's Special Concentrated Sweetener 500-500 Soluble in Cold Water. Not sold as a drug. W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that saccharin had been mixed and packed with, and substituted wholly or in part for, the article, and for the further reason that said article contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged for the reason that the statement, "Special Concentrated Sweetener 500," was false and misleading and deceived and misled the purchaser

by representing that the article was 500 times sweeter than sugar, when it was not, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, food sweetener.

On March 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9344. Misbranding of King's Star Crown Brand Pills. U. S. * * * v. 57 Packages of King's Star Crown Brand Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13710. I. S. No. 5382-t. S. No. E-2764.)

On September 22, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 57 packages of King's Star Crown Brand Pills, consigned by the Northern Drug Co., Duluth, Minn., remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped from Duluth, Minn., on or about March 13, 1920, and transported from the State of Minnesota into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of oil of pennyroyal and aloes.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the circular accompanying the article, regarding the curative and therapeutic effects thereof, " * * * Delayed Menstruations * * * immediately preceding the expected appearance of the menstrual flow, take two pills at night * * * Painful Menstruations * * * take one * * * for six nights prior to the reappearance of the flow. Irregularities. Where the menses are not regular * * * Dr. King's Star Crown Brand Pills are invaluable. Take one * * * three times daily for four or five days preceding the expected appearance of the menstrual period," were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9345. Adulteration and misbranding of salad oil. U. S. * * * v. 4 Gallon Cans and 46 Quart Cans of Alleged Salad Oil * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13978. I. S. Nos. 5227-t, 5228-t. S. No. E-2890.)

On November 30, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 gallon cans and 46 quart cans of salad oil, consigned by Ventoura & Begani, New York, N. Y., remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped from the City of New York on or about October 13 and September 23, 1920, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Olio La Viva Italia Brand Superior In Quality, Purity, Economy & Flavor To Olive Oil * * * Net Contents 1 Gallon" (or "1 Quart") "Ventoura & Begani New York U. S. A. * * *."

Adulteration of the article was alleged in the libel for the reason that soya bean oil with a slight trace of cottonseed oil had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged in substance for the reason that the labels on the containers bore the statements, regarding the article or the ingredients and substances contained therein, viz, "Olio La Viva Italia Brand Superior In Quality, Purity, Economy & Flavor To Olive Oil Fine Edible Salad Oil Blended With Pure Olive Oil A Compound—Packed In New York Net Contents 1 Gallon" (or "1 Quart") " * * * Olio La Viva Italia Brand Garantito Puro Eccellente Da Tavola * * * La Viva Italia Brand Oil For Salad Mayonnaise Cooking Frying * * *," which statements were so arranged as to size of type and location on the label that they were false and misleading and deceived and misled the purchaser into the belief that the article was pure olive oil or salad oil when it was not, and that the cans contained one gallon or one quart, as the case might be, whereas they did not, being short in volume. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, salad oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9346. Adulteration and misbranding of vinegar. U. S. * * * v. 8 Barrels of Cider Vinegar. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 13983. I. S. Nos. 6261-t, 6262-t. S. No. E-2904.)

On December 2, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 barrels of cider vinegar, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by F. E. Jewett & Co., Lowell, Mass., in part on or about August 12, 1920, and in part on or about October 11, 1920, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (On barrel head) "Pure Cider Vinegar Made From Apples * * * Reduced to not less than 40 grains acidity * * *."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for a product purporting to be apple cider vinegar.

Misbranding was alleged in substance for the reason that the labels upon each of the barrels containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, "Pure Cider Vinegar Made From Apples," which statements were so arranged as to type and location that the said label was false and misleading and deceived and misled the purchaser in that the said statements were intended to induce the purchaser to believe that the article was apple cider vinegar, when, in truth and in fact, it was not, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar.

On February 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold or destroyed by the United States marshal. The product was sold.

E. D. BALL, *Acting Secretary of Agriculture.*

9347. Adulteration and misbranding of tomato catsup. U. S. * * * v. 16 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14212. I. S. No. 6489-t. S. No. E-3055.)

On January 20, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases, each case containing a number of bottles, of tomato catsup, remaining unsold in the original unbroken packages at New Britain, Conn., alleging that the article had been shipped by R. Rizzo (foreman of Thomas Page), Albion, N. Y., on or about October 28, 1920, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Royal Kitchen * * * Tomato Catsup * * * Royal Kitchen Brand Tomato Catsup is made from selected tomatoes guaranteed free from any artificial coloring or any other injurious substances. Contents 10 oz. * * * Packed By Thomas Page, Albion, N. Y. * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, putrid, and decomposed vegetable matter.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9348. Misbranding of Pildoras Uriseptic. U. S. * * * v. 12 Dozen Bottles and 35 Bottles of Pildoras Uriseptic. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 14264, 14278. I. S. Nos. 9759-t, 9767-t. S. Nos. E-3018, E-3067.)

On January 25 and 28, 1921, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on February 12, 1921, an amended libel in the latter case, for the seizure and condemnation of 12 dozen bottles and 35 bottles of Pildoras Uriseptic, remaining in the original unbroken packages at San Juan and Mayaguez, P. R., respectively, alleging that the former had been shipped by the France and New York Medicine Co., New York, N. Y., on or about July 22, 1920, and that the latter had been shipped by the Davis & Lawrence Co., New York, N. Y., on or about November 30, 1920, and that both consignments had been transported from the State of New York into the Island of Porto Rico, and charging misbranding in violation of the Food and Drugs Act, as amended. The consignment of July 22 was labeled in part: (Bottle label, in Spanish) "Uriseptic Pills. Used in the treatment of gonorrhea, inflammations of the bladder or urethra and other forms of secondary diseases which usually follow blennorrhagic infection. * * * Uriseptic Pills * * * Anti-Gonorrhœic, * * *." The consignment of November 30 was labeled in part: (Carton) "Uriseptic Pills, Antiseptic, Anti-Gonorrhœal, Diuretic, Resolvent * * * By purchasing this original package the public are enabled to obtain the standard remedy for the treatment of the above complaints, * * *" (similar statements in Dutch, French and Spanish); (bottle) "Uriseptic Pills. Anti-Gonorrhœal, Diuretic, Antiseptic, Resolvent. * * * cannot be surpassed by any other for the treatment of Gonorrhea, or in the treatment of chronic or acute inflammations of the Bladder or urethra and other forms of secondary diseases which generally result from blennorrhagic infection * * *;" (circular) " * * * Uriseptic Pills * * * Used in the treatment of Gonorrhea, Diuretic, Antiseptic, Resolvent. * * * If Uriseptic Pills are taken regularly, the disease

is attacked in a rational way, and beneficial results may be expected in ordinary cases. Frequently chronic cases—those which have been treated with injections or which have not been attended regularly—will yield, with the use of Uriseptic Pills. * * * In many cases in which the patient conducts himself properly, that is, abstaining from alcoholic drinks, violent exercise, and taking Uriseptic Pills as per instructions, the results are beneficial. Uriseptic Pills are likewise used in acute as well as in chronic cases, since they counteract the disease in a purely natural manner. * * * In Cystitis * * * Uriseptic Pills may be used. * * * Uriseptic Pills, * * * represent modern ideas of treatment. Uriseptic Pills exert no prejudicial action on the stomach and do not derange digestion. * * * Uriseptic Pills—a formula which represents efficacious agents to combat this disease—in the hands of the most experienced and conscientious physicians. Uriseptic Pills will be found of value * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of cubebs, methylene blue, salol, and kava kava.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof were false and fraudulent, as the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 14, 1921, the Davis & Lawrence Co., New York, N. Y., claimant, having consented to the entry of decrees in the respective cases, and having failed to deny the allegations contained in the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$200, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

9349. Adulteration and misbranding of vinegar. U. S. * * * v. 57 Barrels of Vinegar
 * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14677. I. S. No. 13133-t. S. No. E-3195.)

On March 24, 1921, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 57 barrels of vinegar, consigned by the National Vinegar Inc., per J. C. Voseburgh, Canajoharie, N. Y., remaining unsold in the original unbroken packages at Portland, Me., alleging that the article had been shipped from Canajoharie, N. Y., on or about October 30, 1920, and transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "New York State Pure Cider Vinegar reduced to New York State Standard 4 Per Centum."

Adulteration of the article was alleged in the libel for the reason that apple waste vinegar had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement appearing on the label, to wit, "New York State Pure Cider Vinegar," was false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement appearing thereon was incorrect and not in the correct form.

On April 22, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the barrels in which the product was contained be sold.

E. D. BALL, *Acting Secretary of Agriculture.*

9350. Adulteration of scallops. U. S. * * * v. James C. Tawes and Isaac H. Tawes (Tawes & Co.). Submission to information. Fine, \$10 and costs. (F. & D. No. 11355. I. S. No. 14959-r.)

On July 10, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James C. Tawes and Isaac H. Tawes, copartners, trading as Tawes & Co., Morehead City, N. C., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 6, 1919, from the State of North Carolina into the State of Pennsylvania, of a quantity of scallops which were adulterated. The article was labeled in part: (Tag) "1 Gallon Escallop * * *;" (another tag) "* * * Tawes & Company Branch Office Morehead City, N. C."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for scallops, which the article purported to be.

On October 12, 1920, the defendants submitted to the information, and the court imposed a fine of \$10 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.
SUPPLEMENT.

N. J. 9351-9400.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., Sept. 30, 1921.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

9351. Misbranding of D. D. D. Remedy for Eczema. U. S. * * * v. 11½ Dozen Bottles of Drugs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12261. I. S. No. 12592-r. S. No. E-2008.)

On March 2, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11½ dozen bottles of drugs, labeled in part "D. D. D. Remedy for Eczema," remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the D. D. D. Co., Chicago, Ill., on or about September 18 and 19, 1919, respectively, and transported from the State of Illinois into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution of phenol, salicylic acid, methyl salicylate, chloral, and oil of sassafras, in alcohol and water.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the bottle and carton, and in the accompanying circular and booklet, regarding the curative and therapeutic effect thereof, to wit, (bottle) "D. D. D. Remedy for Eczema and Diseases Of The Skin and Scalp * * * Pimples on Face, Red nose, Barber's Itch * * *," (carton) "D. D. D. Remedy for Eczema and Diseases Of The Skin and Scalp * * * Pimples on Face, Red Nose, Barber's Itch, * * * Psoriasis * * * Tetter * * * Salt Rheum Dandruff Ivy Poison Hives Itching Piles * * * Itch Barber's Itch Dermatitis Herpes Sycosis," (circular) "To subdue Eczema and Skin Diseases * * * Use D. D. D.—The Lotion for Skin Disease * * * In nearly all instances D. D. D. gives relief at once. * * * It is indeed true that the first or second full size bottle will relieve the itch and will be found to be sufficient in the majority

of cases of skin disease. In practically all cases the fourth or fifth or at the very most the sixth bottle will plainly indicate to the patient that he is on the road to recovery. * * * continue the use of D. D. D. prescription until the desired results are obtained. * * * D. D. D. is a treatment. * * * the Most Common Forms of Skin Disease Successfully Treated by D. D. D. Eczema (Salt Rheum; Tetter) * * * Psoriasis * * * Barber's Itch * * * Sycosis * * * Acne * * * Dandruff * * * Hives, Nettle-rash * * * Plant Poison," (booklet) " * * * for eczema * * * any of the many skin diseases * * * the worst cases of skin diseases * * * something like a cancerous growth * * * Barber's Itch * * * Ichthyolitis [Ichthyolosis] * * * Psoriasis * * * Scrofula," were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9352. Misbranding of Sterling Injection. U. S. * * * v. 16 Bottles * * * of Sterling Injection. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12453. I. S. No. 3208-r. S. No. W-603.)

On May 8, 1920, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 bottles of Sterling Injection, remaining in the original packages at Phoenix, Ariz., alleging that a portion of the article had been shipped by the Western Wholesale Drug Co., Los Angeles, Calif., on or about March 27, 1920, and transported from the State of California into the State of Arizona, and that the remainder of the article had been shipped in interstate commerce, the date and manner of said shipment being unknown, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an aqueous solution containing opium, borax, and a trace of sulphate.

Misbranding of the article was alleged in substance in the libel for the reason that the bottles and cartons containing the article bore a statement as follows, (English and Spanish) "Sterling' Injection is a compound especially prepared for the treatment of Gonorrhœa, etc.," which statement was false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On February 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9353. Misbranding of Rawleigh's All-Medicine Hog Mixture. U. S. * * * v. 2 Dozen and 6 Dozen Cans of Rawleigh's All-Medicine Hog Mixture. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12641, 12643. I. S. No. 168-r. Inv. No. 210044. S. Nos. E-2159, E-2160.)

On May 25, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure

and condemnation of 2 dozen and 6 dozen cans of Rawleigh's All-Medicine Hog Mixture, at Kinston and Maury, N. C., respectively, alleging that the article had been shipped by the W. T. Rawleigh Co., Chester, Pa., on or about the respective dates January 23 [and 28] and March 31, 1920, and transported from the State of Pennsylvania into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Tin container) "Rawleigh's All-Medicine Hog Mixture * * * To Prevent Disease, * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts. * * * Even hogs so sick with cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well. * * * Hog Cholera and Swine Plague * * * it is recommended as especially useful to help overcome and prevent these diseases, and has been found helpful in restoring hogs to health in many cases where they gave practically every symptom of being afflicted with one or the other of these diseases. * * * Use Enough To Do Some Good. * * * The Mixture should be given regularly at least several weeks to obtain appreciable benefit. * * * Give it a trial, a thorough test, and you will be unusually well pleased with the results. * * *;" (booklet) "* * * To Prevent Disease, * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts. * * * Even hogs so sick with Cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of powdered sodium thiosulphate, chlorid, bicarbonate, sulphate, and phosphate, ferrous sulphate, potassium nitrate, charcoal, sulphur, buckthorn, and ginger.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the effects claimed, and the said statements were applied to the article so as to represent falsely and fraudulently to the purchaser thereof that it was an effective remedy for the purpose for which it was recommended, when, in truth and in fact, it was not a remedy for, or a preventative against, the ailments [for which it was] prescribed in the label and booklet.

On April 29, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9354. Adulteration of ice cream cones. U. S. * * * v. 269 Cases of Ice Cream Cones. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12661. I. S. Nos. 230-r, 232-r. S. No. E-2193.)

On May 26, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 269 cases of ice cream cones, at Fairmont, N. C., alleging that the article had been shipped by Armour & Co., a corporation, having a place of business at Columbia, S. C., on or about March 17, 1920, and transported from the State of South Carolina into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Robert's Goodie Cones * * * Baked for Armour & Co., Columbia, S. C., in the cleanest cone bakery in the world * * *."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid vegetable matter.

On December 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9355. Misbranding of Linonine. U. S. * * * v. 32 Bottles and 181 Bottles of Drugs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12672, 12873. I. S. Nos. 412-r, 474-r. S. Nos. E-2190, E-2359.)

On May 27 and June 18, 1920, respectively, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 32 bottles and 181 bottles of drugs, labeled in part "Linonine," consigned by the Kerr Chemical Co., Danbury, Conn., remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped from Danbury, Conn., on or about February 18, 20, and 21, and May 8, 1920, respectively, and transported from the State of Connecticut into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an emulsion containing linseed oil, glycerin, methyl salicylate, oils of cinnamon, eucalyptus, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effects of said article, (bottle) "* * * Pulmonary Diseases, Consumption, Chronic Coughs * * * Chronic Bronchitis, the After Effects of La Grippe, Wasting Diseases, Rickets, Scrofula, Whooping Cough, Rheumatic and Strumous Diseases, General Debility, etc. * * * Linonine Is Unsurpassed As A Strengthener, Builder, Blood Renewer, And For Affections Of The Throat And Lungs," (carton) "Linonine * * * Uses * * * Pulmonary Diseases, Consumption, Chronic Coughs * * * Chronic Bronchitis, the After Effects of La Grippe, Wasting Diseases, Rickets, Scrofula, Whooping Cough, Rheumatic and Strumous Diseases, General Debility, etc. * * * Linonine Is Unequalled As A Strengthener, Builder, Blood Renewer, And All Affections Of The Throat And Lungs. * * * the emulsion of linseed oil * * * a most efficient remedy for expectorant coughs, * * * in the most chronic forms of the disease * * * prophylactic against emphysema. * * * a remedy * * * in the asthmas which have a history of sequence of pertussis or measles. * * * in the treatment of a phthisis in patients who cannot take cod liver oil, particularly in those who have much bronchitis. * * * change the secretion from the * * * small adhesive, yellowish pellicle which causes severe coughing in chronic bronchial catarrh, to the secretion which the patients themselves will easily describe as loose and easy," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9356. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 70 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12872. I. S. No. 421-r. S. No. E-2341.)

On June 18, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 cases of canned tomatoes, consigned by the Phillips Packing Co., Cambridge, Md., remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped from Cambridge, Md., on or about December 2, 1919, and transported from the State of Maryland into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Castle Haven Brand Tomatoes. * * * Our First Quality Carefully Selected Packed For Fine Family Trade Contents Weigh 1 Lb. 3 Oz. Packed By Phillips Packing Co., Cambridge, Md. U. S. A."

Adulteration of the article was alleged in substance in the libel for the reason that tomato pulp had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged in substance for the reason that the statements, "Canned Tomatoes," "Tomatoes * * * Our First Quality Carefully Selected * * *," and the design of a whole ripe tomato appearing on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, canned tomatoes.

On March 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9357. Misbranding of Damiana Compound with Saw Palmetto. U. S. * * * v. 3 Dozen Bottles of Patent Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13733. I. S. No. 9216-t. S. No. E-2785.)

On September 29, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen bottles of patent medicine, known as Damiana Compound with Saw Palmetto, consigned by the Hollander-Koshland Co., Baltimore, Md., remaining in the original unbroken packages at Wilmington, N. C., alleging that the article had been shipped from Baltimore, Md., on or about June 22, 1920, and transported from the State of Maryland into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) " * * * For use in the treatment of Sexual Weakness * * * Loss of Manhood, Debility, Lack of Virility and Impotency * * * Psychic Impotence, Atonic Impotence, Prostatorrhœa * * * Spermatorrhœa."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a solution of ferric iron, nux vomica alkaloids, and damiana extractives, in alcohol and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, regarding the curative or therapeutic effects thereof, were false and fraudulent in that the said article would not produce

the curative or therapeutic effects which purchasers were led to expect by the said statements, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On November 13, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9358. Adulteration and misbranding of tomato catsup. U. S. * * * v. 76 Cases and 20 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14200, 14204. I. S. Nos. 5015-t, 5016-t. S. Nos. E-3053, E-3054.)

On January 19, 1921, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information praying the seizure and condemnation of 76 cases and 20 cases of tomato catsup, remaining in the original unbroken packages at Fall River and Boston, Mass., respectively, alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about September 4, 1920, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Royal Kitchen * * * Tomato Catsup * * * Contents 16 Oz." (or "10 Oz.") " * * * Royal Kitchen Brand Catsup is made from selected tomatoes guaranteed free from any artificial coloring or any other injurious substances. * * * Packed By Thomas Page Albion, N. Y. * * *."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged in substance for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 29, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9359. Adulteration and misbranding of vinegar. U. S. * * * v. 8 Cases of Vinegar * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14395. I. S. No. 13158-t. S. No. E-3103.)

On February 17, 1921, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of vinegar, remaining unsold in the original unbroken packages at Augusta, Me., consigned by the Naas Cider & Vinegar Co., Cohocton, N. Y., alleging that the article had been shipped from Cohocton, N. Y., on or about July 20, 1920, and transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "C. C. C. Brand Reduced Cider Vinegar Made From Apples Fermented. Cascade Cider Co. * * * Net Contents 16 Fl. Oz. * * * Reduced With Water to 4% Acetic Acid Springville, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or

in part for, reduced cider vinegar made from apples fermented, and for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement appearing on the label, to wit, "C. C. C. Brand Cider Vinegar Made From Apples Fermented. Net Contents 16 Fl. Oz." together with a design showing a red apple, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct and not in correct form.

On March 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9360. Misbranding of cottonseed feed. U. S. * * * v. Farmers & Ginners Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 11338. I. S. No. 11631-r.)

On July 1, 1920, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers & Ginners Cotton Oil Co., a corporation, Birmingham, Ala., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 27, 1918, from the State of Alabama into the State of Tennessee, of a quantity of cottonseed feed which was misbranded. The article was labeled in part, (tag) "'Kiddo' Brand Cotton-Seed Feed Manufactured By Farmers & Ginners Cotton Oil Co., Birmingham, Alabama."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 17.38 per cent of protein and 24.30 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the following statement, to wit, "Analysis Protein, 20% * * * Crude Fibre, (Max.) 22%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 20 per cent of protein and not more than 22 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent of protein and not more than 22 per cent of crude fiber, whereas, in truth and in fact, it contained less than 20 per cent of protein and more than 22 per cent of crude fiber.

On October 11, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

E. D. BALL, *Acting Secretary of Agriculture.*

9361. Adulteration of oats. U. S. * * * v. 38,400 Pounds of Oats. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 12407. Inv. No. 11079. S. No. E-2113.)

On May 10, 1920, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38,400 pounds of oats, at Manchester, N. H., alleging that the

article had been shipped by the Bartlett Frazier Co., Indiana Harbor, Ind., on or about December 16, 1919, and transported from the State of Indiana into the State of New Hampshire, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that the said article contained an added poisonous or deleterious ingredient, to wit, castor [castor bean pomace], which might render it injurious to health.

On January 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal upon condition that it should not be used except for seed purposes.

E. D. BALL, *Acting Secretary of Agriculture.*

9362. Adulteration of catsup. U. S. * * * v. 1,150 Cases * * * of Brooks Tobasco Flavor Catsup. Default decree of condemnation and forfeiture. Shipper authorized to salvage good portion of product and containers. Bad portion ordered destroyed. (F. & D. No. 12496. I. S. Nos. 3317-r, 3320-r. S. No. W-598.)

On May 14, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,150 cases, each containing 3 dozen 9-ounce bottles, of Brooks Tobasco Flavor Catsup, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Brooks Tomato Products Co., from Mount Vernon, Ill., on or about November 10, 1919, and transported from the State of Illinois into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Brooks Tobasco Flavor Catsup * * * Brooks Tomato Products Co., Collinsville, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the Brooks Tomato Products Co., Mount Vernon, Ill., be authorized to salvage the good portion of the product and the containers, under the supervision of this department, and that the bad portion be destroyed.

E. D. BALL, *Acting Secretary of Agriculture.*

9363. Misbranding of Rawleigh's All-Medicine Hog Mixture. U. S. * * * v. 15 Packages of Rawleigh's All-Medicine Hog Mixture. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12927. Inv. Nos. 21137, 21048. S. No. E-2362.)

On June 19, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 packages of Rawleigh's All-Medicine Hog Mixture, at Warrenton, N. C., alleging that the article had been shipped by the W. T. Rawleigh Co., Chester, Pa., on or about April 4, 1920, and transported from the State of Pennsylvania into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Rawleigh's All-Medicine Hog Mixture * * * To Prevent Disease, * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts. * * * Even hogs so sick with Cholera that they refused to eat anything else have had their appetites restored by it, and have

improved steadily until perfectly well. * * * Hog Cholera and Swine Plague * * * it is recommended as especially useful to help overcome and prevent these diseases, and has been found helpful in restoring hogs to health in many cases where they gave practically every symptom of being afflicted with one or the other of these diseases. * * * Use Enough To Do Some Good * * * The Mixture should be given regularly at least several weeks to obtain appreciable benefit. * * * Give it a trial, a thorough test, and you will be unusually well pleased with the results * * *; (booklet in English and foreign languages) * * * To Prevent Disease, * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts. * * * Even hogs so sick with Cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of powdered sodium thiosulphate, phosphate, bicarbonate, chlorid, and sulphate, ferrous sulphate, potassium nitrate, charcoal, lime, sulphur, buckthorn, and ginger.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements were false and fraudulent and were applied to the article so as to represent falsely and fraudulently to purchasers thereof that the article was an effective remedy for the purposes for which it was recommended, when, in truth and in fact, it was not, and it contained no ingredients or combination of ingredients capable of producing the effects claimed for it.

On December 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9364. Misbranding of Henry S. Wampole's Phosphorus, Nux, and Damiana Compound. U. S. * * * v. 14 Packages Small and 10 Packages Large Size of * * * Henry S. Wampole's Phosphorus, Nux, and Damiana Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13414. I. S. No. 10064-t. S. No. W-715.)

On August 18, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 packages small size and 10 packages large size of Henry S. Wampole's Phosphorus, Nux, and Damiana Compound, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Henry S. Wampole Co., Baltimore, Md., in part on August 22, 1919, and in part on April 7, 1920, and transported from the State of Maryland into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of alkaloids of nux vomica, damiana extractives, phosphorus, and celery, in alcohol and water.

It was alleged in substance in the libel that the article was misbranded in that it was labeled as follows, (carton and bottle) "For an exhausted nervous system, nervous weakness and lost vitality, impotence, insomnia, hysteria, nervous depression and other diseases of the brain and nerves of both sexes * * * renewing strength, restoring lost vitality and increasing all the physical powers," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On September 14, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9365. Misbranding of Parto-Glory. U. S. * * * v. 9 Dozen Bottles of * * * Parto-Glory. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13458. I. S. No. 10058-t. S. No. W-664.)

On August 23, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 dozen bottles of Parto-Glory, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Partola Distributing Co., New York, N. Y., on April 28 and September 11, 1919, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of iron, strychnine, quinine, and potassium bromid.

It was alleged in substance in the libel that the article was misbranded in that the labeling thereof contained the following statements, (bottle) " * * * Tonic For The Nerves," (can) " * * * For The Nerves * * * For Every Form Of Nervous Affliction. * * * used with remarkable success, * * * wherever nerves have been affected, also in afflictions due directly to weakened nerves, such as: run down condition, nervous prostration, melancholia, brain fag, poor memory, shaky hands or knees, tired feeling, * * * nervous dyspepsia, neuralgia, effects of tobacco or alcohol * * *," (circular) " The Great Upbuilder Of The Nervous System * * * Headaches, Neuralgia, Nervous Twitchings, Irritability, Tired, Run-Down Feeling, Weariness, Lassitude, * * * Loss of Memory * * * Great Wonderful Nerve Tonic * * * strengthening and invigorating * * * when * * * Run-down, Fagged-out, Nervous, Irritable * * * take Parto-Glory, * * * a genuine, powerful nerve tonic, that builds up from the bottom. * * * Parto-Glory contains restoring energies for young men who started off with the idea that nothing could sap the energies of their youth, and who have, therefore, 'gone the pace of youthful error' too rapidly. Parto-Glory is a friend in need for men and women who have indulged too freely in the excesses and frivolities of life, and who are alarmed by the evident decline of capacity, ability, and even desire, to take part in the joys of healthy, vigorous, ambitious manhood and womanhood. Parto-Glory is what the drinker needs to steady his nerves, clear his mind, brace him up * * * give him a hold on himself that will aid in his restoration with resistance of such tendencies * * * Parto-Glory is a great help in overcoming the effects of excessive smoking. * * * used with great relief and comfort by women, * * * during certain painful and weakening periods of the month," which statements were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On September 14, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9366. Misbranding of Lewis Nerve Pills. U. S. * * * v. 147 Boxes of * * * Lewis Nerve Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13592. I. S. No. 10358-t. S. No. W-680.)

On August 24, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 147 boxes of Lewis Nerve Pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the A. H. Lewis Medicine Co., St. Louis, Mo., on May 6, August 14, and November 3, 1919, and May 4, 1920, respectively, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of yellow phosphorus, phosphates, iron, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the box containing the said article as follows, "Highly recommended for Nervousness, General Debility, Lack of Energy, Self-Distrust, Loss of Memory and Diseases arising from Mental Worry, Over-work, Excesses, etc.," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On September 14, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9367. Misbranding of Madame Dean Female Pills. U. S. * * * v. 8 Packages * * * of * * * Madame Dean Female Pills (Special Strength). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13649. Inv. No. 23140. S. No. C-2478.)

On or about September 15, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 packages of Madame Dean Female Pills (Special Strength), consigned by Martin Rudy, Lancaster, Pa., remaining unsold in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped from Lancaster, Pa., on or about February 8, 1918, and transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of quinine, aloes, ferrous sulphate, senecio flowers and herb, ginger root, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the therapeutic and curative effects thereof, appearing in the labeling on the box containing the article and in an accompanying wrapper, booklet, and circular, to wit, (box and wrapper) "Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation," (booklet) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhea, Dysmenorrhea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change

of life. * * * Act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods * * * strengthen and build up the uterine function," (circular) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed menstruation. * * * continue their use until relieved * * * take * * * until the menstrual flow commences again," were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9368. Misbranding of Londonderry Water. U. S. * * * v. 3 Cases * * * of Londonderry Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14205. I. S. No. 5164-t. S. No. E-3048.)

On January 22, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 3 cases, more or less, of Londonderry Water, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Londonderry Spring Water Co., Nashua, N. H., on or about June 21, 1920, and transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Londonderry Water * * * The Londonderry Spring Water Co., Nashua, N. H. * * *."

Misbranding of the article was alleged in the libel of information for the reason that the statement appearing in the labeling, "Guaranteed By The Londonderry Spring Water Co., Under The Food And Drugs Act, June 30, 1906, Serial No. 3139," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the following statements regarding its curative and therapeutic effect, "Beneficial for Rheumatism, Neuralgia, Dyspepsia, Eczema, Malarial Poisoning, Gout, * * * Gravel, Bright's Disease, Diabetes, Dropsy and all Diseases of the Kidneys and Bladder," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 29, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9369. Misbranding of tomatoes. U. S. * * * v. William E. McCaslin. Plea of guilty. Fine, \$25. (F. & D. No. 14308. I. S. No. 2398-t.)

On March 5, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

William E. McCaslin, Los Angeles, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 27, 1920, from the State of California into the State of Louisiana, of a quantity of tomatoes which were misbranded. The article was labeled, (wrapper) "W. E. McCaslin Co. Packers & Shippers, Los Angeles. Fancy California Tomatoes."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 28, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

9370. Misbranding of Dr. Blackman's Medicated Salt Brick. U. S. * * * v. 3 Cases * * * of Dr. Blackman's Medicated Salt Brick. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9077. I. S. No. 4861-p. S. No. E-1047.)

On or about June 17, 1918, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases, each containing 30 packages, of Dr. Blackman's Medicated Salt Brick, at Ayden, N. C., alleging that the article had been shipped by the Blackman Stock Remedy Co., Chattanooga, Tenn., on or about April 8, 1918, and transported from the State of Tennessee into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Dr. Blackman's Medicated Salt Brick * * * Has Cured Hog Cholera * * * For Hog Cholera * * * As A Preventative. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sodium chlorid, potassium nitrate, ferrous sulphate, sulphur, lime, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements were false and fraudulent in that the said article was not a cure for and preventative of hog cholera, since it contained no ingredient or combination of ingredients capable of producing the effect claimed, and the said statements were applied to the said article so as to create in the minds of the purchasers thereof the impression and belief that the article was an effective remedy or preventative for hog cholera, when, in truth and in fact, it was not.

On May 13, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9371. Misbranding of Injection Zip. U. S. * * * v. 4½ Dozen Bottles * * * of Injection Zip. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10879. I. S. No. 15858-r. S. No. E-1628.)

On August 6, 1919, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4½ dozen bottles of Injection Zip, at Charleston, W. Va., alleging that the article had been shipped by the Baker-Levy Chemical Co., Indianapolis, Ind., on March 30, 1919, and transported from the State of Indiana into the State of West Virginia, and charging misbranding in violation of the

Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Injection Zip Contains 3 to 4 per cent. Alcohol. Contains 1½ gr. Opium to fluid ounce * * * This Injection is an excellent preparation and cannot produce stricture. Relief being speedy. * * *;" (wrapper) "Injection Zip * * *," (circular) "* * * An Excellent Preparation For The Treatment Of Gonorrhœa, Gleet and Leucorrhœa. * * * a tried preparation for the above diseases * * * the best injection on the market for the purpose. Ladies troubled with Leucorrhœa (Whites) will obtain a speedy relief."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of acetates and sulphates of zinc and lead, opium alkaloids, berberine, and plant extractives, in water and alcohol.

It was alleged in substance in the libel that the article was misbranded within the provisions of section 8, paragraph 3, of the said act, for the reason that the statement to the effect that the product was a remedy for gonorrhea, gleet, and leucorrhœa was false and fraudulent.

On November 29, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9372. Misbranding of Muscato. U. S. * * * v. 25 Cases * * * of Muscato. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12286. I. S. No. 563-r. S. No. E-1972.)

On March 19, 1920, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, more or less, of Muscato, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by the Ozone Spring Water & Beverage Co., Inc., New Orleans, La., on March 1, 1920, and transported from the State of Louisiana into the State of Florida, and charging violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Muscato 'You Taste The Grape' * * * Bottled By The Ozone Spring Water & Beverage Co., Inc. New Orleans, La., U. S. A. * * * This Is Not A Carbonated Beverage Being A Grape Drink Served * * * In The Same Manner As Any Grape Juice Is Served."

It was alleged in substance in the libel that the above-quoted statements contained in the labels on the bottles were false and misleading in that the said bottles did not contain the juices derived from grapes, as claimed and suggested in the said statements, but the article was a mixture of phosphoric acid, sugar, and a trace of esters, and was colored with amaranth.

On August 14, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9373. Misbranding of peanut feed. U. S. * * * v. 90 Sacks of Peanut Feed. Product released under bond. (F. & D. No. 12980. I. S. No. 237-r. S. No. E-2397.)

On July 20, 1920, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 sacks of peanut feed, remaining in the original unbroken packages at Tallahassee, Fla., alleging that the article had been shipped by the Camilla Cotton Oil and Fertilizer Co., Camilla, Ga., on February 25, 1920,

and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was labeled in a false and fraudulent [misleading] manner, that is to say, each of the sacks containing the said article were labeled, "Protein 30 per cent. * * * Fibre 25 per cent. * * * Made From Pressed Peanut Cake," which statements were false and untrue in that the article did not contain the ingredients above enumerated and in the quantities stated, but it was deficient in protein and contained an excessive amount of crude fiber and was not made from pressed peanut cake but crushed peanut hulls had been added thereto.

On January 5, 1921, the Capital City Grocery Co., Tallahassee, Fla., having filed its claim and answer to the libel and having averred in said answer that by reason of want of sufficient information it could neither admit nor deny the material allegations of the libel, but praying that the product should be delivered to it upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant upon the terms and conditions stipulated in the said answer and that the libel be dismissed upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

9374. Adulteration and misbranding of La Pom. U. S. * * * v. Certain Persons in Possession of 3 Barrels of La Pom (Blackberry, Red Grape, and Apricot). Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 13852. I. S. No. 3558-t. S. No. C-2494.)

On November 5, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of La Pom (blackberry, red grape, and apricot flavor, respectively), consigned by the Crown Beverage Co., St. Louis, Mo., on February 14, 1920, to certain persons in Christine, N. Dak., charging that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Non-Alcoholic La Pom Artificial Flavor and Color. Red Grape" (or "Apricot" or "Blackberry") "Flavor. Guarantee. The contents of this package guaranteed to comply with all laws. These goods are non-alcoholic and non-intoxicating. We will forfeit \$500 reward to any one finding a single percent of alcohol in this drink * * *."

It was alleged in substance in the libel that the above-quoted statements, each and all, were false and untrue in that the said article contained in excess of 4 per cent of alcohol by volume.

Adulteration of the article was alleged in substance for the reason that it contained a certain poisonous and deleterious ingredient, namely, saccharin, which made the same injurious to health.

On March 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9375. Misbranding of flour. U. S. * * * v. Herreid Milling Co., a Corporation. Judgment by default. Fine, \$25. (F. & D. No. 13905. I. S. No. 8901-r.)

On December 15, 1920, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States for said district an information against the Herreid Milling Co., a corporation, Herreid, S. Dak., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 31, 1920, from the State of South Dakota into the State of North Dakota, of a quantity of flour which was misbranded. The article was labeled in part, "Herreid Milling Company Herreid Choice First Patent 49" (or "98") "Lbs. Snow Flake Flour * * *."

An examination by the Bureau of Chemistry of this department of 6 of the smaller sacks and 7 of the larger sacks showed an average net weight of 46½ pounds and 95½ pounds, respectively, an average shortage of 2½ pounds or 5.6 per cent, and 2½ pounds or 2.5 per cent, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "49 Lbs." and "98 Lbs." respectively, borne on the sacks containing the article, regarding the same, were false and misleading in that they represented that each of the said sacks contained 49 pounds or 98 pounds, as the case might be, of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 49 pounds or 98 pounds, as the case might be, of the article, whereas, in truth and in fact, each of the sacks contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 22, 1921, the defendant company having failed to appear, a default judgment was entered by the court, and a fine of \$25 was imposed.

E. D. BALL, *Acting Secretary of Agriculture.*

9376. Misbranding and alleged adulteration of pie filling compound. U. S. * * * v. 1,200 Packages of * * * Jewel Brand Lemon Flavor Pie Filling Compound. Decree of misbranding. Product released under bond. (F. & D. No. 14192. I. S. No. 473-t. S. No. C-2670.)

On or about January 17, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 packages of Jewel Brand lemon flavor pie filling compound, at Lincoln, Nebr., alleging that the article had been shipped by the Jewel Tea Co., Inc., from Chicago, Ill., on or about August 28, September 20, and October 21, 1920, respectively, and transported from the State of Illinois into the State of Nebraska, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "* * * Jewel Brand Lemon Flavor Pie Filling Compound" (design showing piece of pie) "* * * Jewel Tea Co., Inc. Headquarters New York, New Orleans, Chicago, San Francisco. * * *."

Adulteration of the article was alleged in the libel for the reason that an artificially colored product consisting essentially of cornstarch, sugar, gelatin, and citric acid, and containing no eggs, had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Lemon Flavor Pie Filling," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 2, 1921, the Jewel Tea Co. having filed its claim and answer to the libel admitting the allegations therein concerning the misbranding of the goods,

judgment was entered finding the product to be misbranded but not adulterated, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the goods be relabeled under the supervision of this department, and that the case be dismissed.

E. D. BALL, *Acting Secretary of Agriculture.*

9377. Adulteration and misbranding of oleomargarine. U. S. * * * v. A. H. Kuhlemann Co., a corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 14311. I. S. No. 14654-r.)

On May 14, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the A. H. Kuhlemann Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 13, 1920, from the State of Maryland into the State of Pennsylvania, of a quantity of oleomargarine which was adulterated and misbranded. The article was labeled in part, (carton) "Nutlet Brand Coco-Pea-Nut Oleomargarine * * * Nutlet Brand Nut Margarine The A. H. Kuhlemann Co. Manufacturers Baltimore, Maryland."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 10 per cent of cottonseed oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for a product made from coconuts and peanuts, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Coco-Pea-nut," together with the design and device of a coconut tree bearing coconuts and the design of a peanut, borne on the cartons containing the article, and the statement, to wit, "Made from Cocoanuts and Peanuts," borne on the wrappers accompanying the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was made wholly from coconut oil and peanut oil, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made wholly from coconut oil and peanut oil, whereas, in truth and in fact, it was not made wholly from coconut oil and peanut oil, but was made in part from cottonseed oil.

On May 14, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9378. Adulteration and misbranding of catsup. U. S. * * * v. 24 Cases and 13 and 24 Cases * * * of * * * Polk's Best Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14374, 14375. I. S. Nos. 13155-t, 13156-t. S. Nos. E-3075, E-3076.)

On January 29, 1921, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 24 cases of Polk's Best Catsup, and 13 cases, 16-ounce bottles, and 24 cases, 8-ounce bottles, of Polk's Best Catsup, remaining unsold in the original unbroken packages at Gardiner and Bangor, Me., respectively, alleg-

ing that the article had been shipped by the J. T. Polk Co., Mound City, Ill., on or about November 5 and December 5, 1920, respectively, and transported from the State of Illinois into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

Misbranding was alleged in substance for the reason that the article was food in package form, and the contents thereof were not plainly and correctly stated in terms of weight or measure on the outside of the packages.

On February 10 and 24, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9379. Misbranding of Egyptian Regulator Tea. U. S. * * * v. 2 Dozen Bottles * * * of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14421. Inv. No. 26547. S. No. C-2782.)

On February 8, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen bottles, more or less of Egyptian Regulator Tea, at Chicago, Ill., alleging that the article had been shipped by the Owl Medicine Co., Columbus, Ohio, on December 12, 1920, and transported from the State of Ohio into the State of Illinois; and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of broken and cut vegetable drugs, including senna, coriander, doggrass, licorice, ginger, sambucus, cinnamon, and taraxacum.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the curative or therapeutic effect thereof, appearing in the circular accompanying each bottle containing the said article, to wit, "Egyptian Regulator Tea. A Speedy and Positive Relief for Dyspepsia, Liver Complaint, Sick Headache, Nervousness * * * Nature's own gift to dyspeptic, debilitated men, to Wornout Nervous women, to Mothers of Peevish and Sickly Children, to girls just budding into womanhood, to sufferers from defective nutrition and blood diseases, to corpulent people whether male or female, old or young. * * * Rheumatism, Neuralgia, Sick Headache, Pains in all parts of the body, running sores, pimples, boils, carbuncles and skin diseases * * * Lung trouble and consumption, Premature Old Age, Lack of Youthful energy, beauty and vigor, sallow complexion and haggard, careworn look * * * Diabetes * * * malaria * * * Killing the disease Germs * * * Heart Troubles, Paralysis Rheumatism, Gout * * * Apoplexy," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that the said article was composed of or contained ingredients or medicinal agents or combinations of ingredients effective as a remedy for the several diseases, ailments, and afflictions mentioned in the said circular.

On April 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9380. Misbranding of Volta Powder. U. S. * * * v. Charles A. Gianelli and Alfred N. Gianelli, trading as Volta Co. Pleas of guilty. Fine, \$25. (F. & D. No. 9720. I. S. Nos. 3825-p, 3887-p.)

On May 9, 1919, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles A. Gianelli and Alfred N. Gianelli, trading as the Volta Co., Buffalo, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about May 7, 1918, from the State of New York into the State of Maryland, and on or about June 10, 1918, from the State of New York into the State of Massachusetts, of quantities of an article labeled in part "Volta Powder," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was essentially a mixture of free sulphur, impure ferric oxid, and a trace of essential oil.

It was alleged in substance in the information that the article in each shipment was misbranded for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the boxes and cartons containing said article, and appearing in the circular and folder accompanying the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for acute, inflammatory, and chronic rheumatism, sciatica, lumbago (rheumatism of the back), gout, all forms of neuralgia, stiff joints, cold feet, swollen feet, swollen ankles, swollen hands, swollen knees, swollen arms and limbs, pains in spine and shoulders, acute and intermittent fever, chills, spinal weakness, insomnia, night restlessness, general debility, and effective as a preventive for rheumatism, cholera, la grippe, cold, acute fever, and malarial fever, and to improve the complexion, when, in truth and in fact, it was not.

On May 17, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

9381. Misbranding of Eg-Less. U. S. * * * v. Haring S. Minton and Anna E. Minton (Holley Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 9856. I. S. No. 10005-p.)

On December 1, 1919, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Haring S. Minton and Anna E. Minton, a partnership, trading as the Holley Co., Rochester, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 12, 1918, from the State of New York into the State of Missouri, of a quantity of Holley Eg-Less which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a white powder containing cornstarch, skimmed milk powder, milk casein, rice flour, bicarbonate of soda, and little or no powdered eggs, with a few dyestuff particles visible to the naked eye. When mixed with water, the product assumed a reddish-yellow color.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "You Do Not Need Eggs For Cooking If You Use Eg-Less," "A Wholesome Preparation Used In Place Of Eggs In Baking And Cooking," "Use As 12 Eggs," "Use this product in place of eggs in baking & cooking," and "Directions: In place of each egg called for by this recipe, use 1 teaspoonful Eg-Less," borne on the packages containing the article, regarding

it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was an egg substitute, that is to say, that eggs were not needed for cooking if the article was used, that said article could be used in place of eggs in baking and cooking, that the contents of each of the packages containing the article could be used the same as twelve eggs, and that one teaspoonful of said article could be used in place of each egg called for in the recipe, whereas, in truth and in fact, said article was not an egg substitute, that is to say, eggs would be needed for cooking when using the article, said article could not be used in place of eggs in cooking and baking, the contents of one of said packages could not be used as twelve eggs, and one teaspoonful of the article could not be used in place of each egg called for in the recipe. Misbranding was alleged for the further reason that the statement, to wit, "Manufactured From Corn Starch, Skimmed Milk Powder, Milk Casein, Powdered Eggs, Rice Flour, Bicarbonate Of Soda, And Certified Colors," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted of the ingredients named on the label as aforesaid, whereas, in truth and in fact, said article did not so consist, but was a product containing little or no egg. Misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an egg substitute, that is to say, that no eggs were needed for cooking when using the article, that said article could be used in place of eggs in baking and cooking, that the contents of one of the packages could be used as twelve eggs, and that one teaspoonful of said article could be used in place of each egg called for in the recipe, whereas, in truth and in fact, said article was not an egg substitute, that is to say, eggs would be needed for cooking when using the article, and said article could not be used in place of eggs in cooking and baking, and the contents of one of said packages could not be used in place of twelve eggs, and one teaspoonful of said article could not be used for each egg called for in the recipe, and said article did not contain powdered eggs, but was a mixture containing little or no egg.

On May 31, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

9382. Adulteration and misbranding of oil. U. S. * * * v. Giovanni Ballanca, Stefano Friscio, and Stephen Gerardi, Copartners. Pleas of guilty. Fine, \$25. (F. & D. No. 10887. I. S. No. 14933-r.)

On October 24, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Giovanni Ballanca, Stefano Friscio, and Stephen Gerardi, copartners, trading at New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on November 20, 1918, from the State of New York into the State of New Jersey, of a quantity of an article labeled, "Qualita Superiore" (map of Italy, Sicily, and Tripolitania, and cut of girl with Italian flag) "Olio Puro Garantito 1/2 Gallon Net Sotto Qualsiasi Analisi Chimica," which article was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of cottonseed and peanut oils, with little or no olive oil, and that the containers were short in volume.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cottonseed oil and peanut oil, had been mixed and

packed therewith, so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Qualita Superiore," "Olio Puro," "Garantito * * * Sotto Qualsiasi Analisi Chimica," and "½ Gallon Net," together with the designs and devices of the map of Italy and the Italian flag, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained ½ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of the cans contained ½ gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in part of cottonseed oil and peanut oil, it was not a foreign product, to wit, an olive oil produced in the Kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ½ gallon net of the article, but did contain a less amount. Misbranding was alleged for the further reason that the statements borne on the cans aforesaid purported that said article was a foreign product, when not so, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 23, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

9383. Misbranding of Gauvin's Cough Syrup and Sirop D'Anis. U. S. * * *
v. 133 Bottles of Gauvin's Cough Syrup, et al., and 126 Bottles of Sirop D'Anis, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12485 to 12495, inclusive, 12620 to 12639, inclusive, 12644 to 12654, inclusive, 12654-a, 12671, 12685 to 12691, inclusive, 12752 to 12755, inclusive, 12782 to 12787, inclusive, 12846, 12847, 12862, 12863, 12870. I. S. Nos. 314-r, 316-r, 321-r, 323-r, 313-r, 315-r, 317-r, 318-r, 319-r, 320-r, 322-r, 306-r, 13088-r, 301-r, 13247-r, 309-r, 310-r, 324-r, 17805-r, 13249-r, 303-r, 307-r, 308-r, 13087-r, 13248-r, 13250-r, 311-r, 312-r, 325-r, 326-r, 13246-r, 328-r, 336-r, 332-r, 330-r, 338-r, 337-r, 335-r, 329-r, 333-r, 334-r, 331-r, 330-r, 327-r, 13091-r, 340-r, 342-r, 341-r, 343-r, 302-r, 346-r, 489-r, 488-r, 483-r, 486-r, 17806-r, 17807-r, 17812-r, 17808-r, 17809-r, 17811-r, 17810-r, 471-r, 469-r, 470-r, 472-r. S. Nos. E-2123 to E-2133, inclusive, E-2137, E-2140, E-2135, E-2151, E-2138, E-2139, E-2148, E-2149, E-2152, E-2142, E-2144 to E-2146, inclusive, E-2150, E-2155, E-2154, E-2153, E-2156 to E-2158, inclusive, E-2173, E-2175 to E-2177, inclusive, E-2184, E-2166, E-2169, E-2172, E-2167, E-2168, E-2170, E-2171, E-2183, E-2200, E-2207, E-2214, E-2215, E-2213, E-2141, E-2206, E-2264, E-2268, E-2269, E-2267, E-2284, E-2286, E-2288, E-2287, E-2295, E-2289, E-2332, E-2340, E-2345, E-2349, E-2350.)

During May and June, 1920, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 4,542 bottles of Gauvin's Cough Syrup and approximately 6,400 bottles of Sirop D'Anis, at various points in New Hampshire, alleging that the articles had been shipped during the years 1916, 1917, 1918, 1919, and 1920, by J. A. E. Gauvin, Lowell, Mass., and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the Food and Drugs Act, as amended. The bottles con-

taining the cough sirup were labeled: (English) " * * * For * * * 'La Grippe,' Whooping-Cough & all Affections of the Throat & Lungs." A portion of the cartons in which the bottles were inclosed were labeled: (English and French) " * * * Recommended For * * * 'la Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung Diseases." The circulars inclosed in these cartons were labeled: (English) " * * * Successfully used in all affections of the Throat, Bronchi and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the Chest; * * * Spasmodic Coughs, * * *;" (French) " * * * Used against all Affections of the Throat, Bronchi and Lungs. * * * Gauvin's Cough Syrup is fully indicated for treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs, Asthma, Whooping Cough, Grippe, Hoarseness, Influenza and the first stages of Consumption. * * * Tuberculosis * * * Epidemic Grippe * * * Disease of the Chest * * * Gastric Disorders." Other cartons containing the cough sirup were labeled: (English and French) " * * * Recommended For 'la Grippe' Whooping Cough and all Throat and Pulmonary Diseases. * * * for all Diseases of the Respiratory Organs * * *." The circulars inclosed in these cartons were labeled: (English and French) " * * * the greatest possibilities of a radical cure. * * * highly recommended for all Affections Of The Respiratory Organs. * * * its persistent use produces a beneficent relief in serious as well as desperate cases. * * * a remedy for all Affections of the Respiratory Organs: Throat, Bronchial Tubes and Lungs. * * * the use of Gauvin's Syrup in the treatment of more severe cases of * * * Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proven conclusively the efficacy of this remedy. * * * especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, * * * it will relieve the worst cases * * *." The bottles containing a portion of the Sirop D'Anis were labeled: (English) " * * * For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition * * *;" (French) " For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, painful Dentition, Sleeplessness, Coughs, Cold, etc." The remainder of the Sirop D'Anis was labeled on the bottles as follows: " * * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful." All of the cartons containing these bottles were labeled: (English) " * * * For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.;" (French) " For Babies This syrup is administered in cases of colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc." The circulars inclosed in these cartons were labeled: (English) " * * * (For Babies) * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness. Recommended for babies and children when the process of dentition is painful;" (French) " For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Colds and Chills (Refroidissemens). Recommended for babies and children when dentition is painful and when wanting sleep."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cough sirup consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water, and that the sirup of

anise consisted essentially of morphine acetate, alcohol, oil of anise, sugar, and water.

It was alleged in substance in the libels that the articles were misbranded for the reason that the above-quoted statements upon the labels on the bottles and wrappers and included in the circulars aforesaid were false and fraudulent in that the products contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9384. Adulteration and misbranding of Wood's Special Concentrated Sweetener. U. S. * * * v. One 5-Pound Can of Wood's Special Concentrated Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13376. I. S. No. 12126-t. S. No. W-687.)

On August 27, 1920, the United States attorney for the District of Nevada, acting upon reports by the Secretary of Agriculture and the State Commissioner of Food and Drugs for the State of Nevada, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 5-pound can of Wood's Special Concentrated Sweetener, remaining in the original unbroken package at Reno, Nev., alleging that the article had been shipped on or about June 6, 1920, by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Nevada, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a quantity of saccharin, to wit, approximately 60 per cent, had been mixed and packed with sugar, and had been substituted in part for sugar, said saccharin having no food value, and that the mixture of said saccharin in the contents of said can reduced, lowered, and injuriously affected its quality and strength and food value. Adulteration was alleged for the further reason that the article contained an added deleterious ingredient, to wit, saccharin, which said saccharin rendered the article injurious to health.

Misbranding was alleged for the reason that the article bore the following label, "Wood's Special Concentrated Sweetener 500—500 Soluble in Cold Water. Not sold as a drug. W. B. Wood Manufacturing Company, St. Louis, Mo.," which said statement, regarding the ingredients and substances contained in the article, was false in that the article was an imitation of another article, to wit, sugar, when, in truth and in fact, said article was not sugar or a sucrose product, but a mixture of sugar and saccharin; for the further reason that said label contained false and misleading statements in that the statement aforesaid, to wit, "Wood's Special Concentrated Sweetener 500," represented the article as five hundred times sweeter than sugar, which was untrue and false, as the article was composed of 34 per cent of sucrose, which reduced the sweetening power of the article to that degree; and for the further reason that said statement implied that the article was a sucrose product, while, in truth and in fact, it was not wholly a sucrose product, by reason of the mixture therein of a product, to wit, saccharin, to an extent of approximately 60 per cent.

On October 4, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9385. Adulteration of tomato catsup. U. S. * * * v. 284 Cases * * *
of Tomato Catsup. Default decree of condemnation, forfeiture,
and destruction. (F. & D. No. 14408. I. S. No. 4921-t. S. No. C-2776.)

On March 3, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 284 cases, more or less, of tomato catsup, remaining in the cases wherein the same were shipped, at Peoria, Ill., alleging that the article had been shipped on or about December 19, 1918, by H. N. Weller & Co., Almont, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Blue Ribbon Brand Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, putrid, and decomposed vegetable substance.

On May 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9386. Misbranding of Boquette's Family Remedy. U. S. * * * v. 15
Bottles * * * of Boquette's Family Remedy. Default decree
of condemnation, forfeiture, and destruction. (F. & D. No. 14786.
Inv. No. 27459. S. No. C-2973.)

On April 15, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 bottles, more or less, of Boquette's Family Remedy, remaining in the original unbroken packages at Grand Island, Nebr., alleging that the article had been shipped on or about January 20, 1921, by the Boquette Remedy Co., Council Bluffs, Iowa, and transported from the State of Iowa into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "For Chills and Fever, external and internal. For Rheumatism, Neuralgia, Lumbago, Heart Trouble, * * * Indigestion, Catarrh, Kidney Trouble, Stomach Trouble, Headache, Grippe, or Blood Diseases. It is a fine purifier and Nerve Tonic. * * * for female trouble and weaknesses * * * Blood Purifier * * * For Chills, Fever, Flue, Grip * * * For Mumps * * * For Female Complaints, Stomach Trouble, Bladder Troubles, Sore Throat, Kidney Troubles, Nervous Prostration, Headaches, Lame Back, Hay Fever—For Goitre * * * Coughs, Tuberculosis, Liver, Piles * * * For Rheumatism, Paralysis, Dropsy, Inflamed and Swollen Limbs, and for Syphilis * * * Compound of Roots, Herbs, Leaves, Barks and Berries."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of Epsom salt and potassium nitrate.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements regarding its curative and therapeutic effects were false and fraudulent, since the article contained no ingredient or combination thereof capable of producing the effects claimed. Misbranding was alleged for the further reason that the statement, "Compound of Roots, Herbs, Leaves, Barks and Berries," appearing on the label, was false and misleading.

On May 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9387. Adulteration and misbranding of Crescent Brand vanilla flavoring substitute and Crescent Brand lemon flavoring substitute. U. S. * * * v. 33 Dozen Bottles of * * * Crescent Brand Vanilla Flavoring Substitute and 4 Dozen Bottles of * * * Crescent Brand Lemon Flavoring Substitute. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14839, 14840. I. S. Nos. 7874-t, 7875-t. S. No. E-3389.)

On May 4, 1921, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 33 dozen bottles of Crescent Brand vanilla flavoring substitute, and 4 dozen bottles of Crescent Brand lemon flavoring substitute, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the articles had been shipped on or about January 12 and February 7, 1921, respectively, by the Charles L. Heinle Specialty Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Delaware, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in the libels for the reason that a substance, to wit, in the case of the vanilla substitute, a dilute aqueous solution of vanillin and saccharin, and in the case of the lemon flavoring substitute, an aqueous solution containing little or no lemon oil, had been mixed and packed therewith, so as to reduce and lower and injuriously affect the quality and strength of said articles, and had been substituted wholly or in part therefor, and for the further reason that said articles had been mixed and colored in a manner whereby damage or inferiority was concealed. Adulteration with respect to the vanilla flavoring substitute was alleged for the further reason that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding of the articles was alleged for the reason that the statements on the labels, "Vanilla Flavoring Substitute Cont. 8 Fl. Drams," and "Lemon Flavoring Substitute," were false and misleading and deceived and misled the purchaser, and for the further reason that each of said articles was an imitation of, and offered for sale under the distinctive name of, another article. Misbranding was alleged with respect to the vanilla flavoring substitute for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of the quantity thereon was not correct.

On May 27, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9388. Adulteration and misbranding of Buckeye Good Cottonseed Meal. U. S. * * * v. Imperial Cotto Sales Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 13238. I. S. Nos. 7076-r, 7077-r, 7078-r, 7079-r, 7080-r.)

On January 24, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in ten counts against the Imperial Cotto Sales Co., a corporation, Chicago, Ill., alleging

shipment by said company, in violation of the Food and Drugs Act, on or about December 20, 1918, from the State of Mississippi into the State of Illinois, and thence into the State of Iowa, of quantities of Buckeye Good Cottonseed Meal, which in each of five shipments was adulterated and misbranded.

Analyses of samples of the article from each shipment by the Bureau of Chemistry of this department showed that it was low in protein and ammonia and high in crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the following statements, to wit, "Cottonseed Meal," and "Guaranteed Analysis Protein 36% * * * Ammonia 7% Fibre 14%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented to the purchaser that the article was cottonseed meal, and that it contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal, and that it contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 14 per cent of fiber, whereas, in truth and in fact, it was not cottonseed meal, but was a mixture of cottonseed meal and cottonseed hulls, and it contained less than 36 per cent of protein, less than 7 per cent of ammonia, and more than 14 per cent of fiber.

On May 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9389. Adulteration and misbranding of ground marjoram. U. S. * * * v. 3 Barrels of Ground Marjoram. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14600. I. S. No. 3207-t. S. No. C-2861.)

On March 10, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of ground marjoram, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about November 30, 1920, by the Van Camp Packing Co., Indianapolis, Ind., and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of sand and grit.

Misbranding was alleged for the reason that the statement, "Ground Marjoram," appearing on the label, was false and misleading and deceived and misled the purchaser into the belief that the product consisted wholly of ground marjoram, whereas, in truth and in fact, it consisted in part of added sand and grit.

On April 29, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9390. Adulteration of tomato sauce. U. S. * * * v. 377 Cases * * *
of Tomato Sauce. Default decree of condemnation, forfeiture, and
destruction. (F. & D. No. 8626. I. S. No. 1217-p. S. No. E-937.)

On December 3, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 377 cases of tomato sauce, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Thomas Roberts & Co., from Vienna, Md., and transported from the State of Maryland into the State of New York, the shipment arriving on or about November 7, 1917, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On December 5, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9391. Misbranding of Nervosex Tablets. U. S. * * * v. 10 Boxes of
Nervosex Tablets. Default decree of condemnation, forfeiture, and
destruction. (F. & D. No. 13716. Inv. No. 23285. S. No. C-2523.)

On September 24, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 boxes of Nervosex Tablets, at Little Rock, Ark., alleging that the article had been shipped by the United Laboratories, Inc., St. Louis, Mo., on or about August 31, 1920, and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the tablets consisted essentially of strychnine, iron, zinc, calcium, and phosphates.

Misbranding of the article was alleged in the libel for the reason that there appeared upon the box labels the following statements, "Nervosex Tablets A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *," all of which statements were false, fraudulent, and misleading in that the article contained no ingredients nor combination of ingredients capable of producing the effects claimed for it.

On April 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9392. Adulteration of green coffee. U. S. * * * v. 250 Sacks of Green
Coffee. Consent decree of condemnation. Product ordered re-
leased on bond. (F. & D. No. 13767. I. S. No. 1337-t. S. No. C-2545.)

On October 7, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 sacks of green coffee, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about August 4 and 13, 1920, by S. Pfeifer & Co., New Orleans, La., and transported from the State of Louisiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 7, 1921, the said S. Pfeifer & Co., claimant, having admitted the allegations contained in the libel and consented to the entry of decree, it was found by the court that the product was adulterated, but said claimant having asserted that a portion of the property was not adulterated and was not unfit for food, and was susceptible of separation from the portion unfit for food, and said claimant having filed its bond in the sum of \$2,000, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

9393. Adulteration and misbranding of flour. U. S. * * * v. 434 Sacks of Wheat Flour. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 13935. I. S. No. 6505-t. S. No. E-2865.)

On or about November 22, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 434 sacks of wheat flour, at Greenville Piers, N. J., alleging that the article had been shipped on or about September 22, 1920, by the Dillsburg Grain & Milling Co., Dillsburg, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, water, had been mixed and packed with said article in a manner whereby damage or inferiority was concealed, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Thereafter, during the month of January, 1921, the case having come on for final disposition, and George P. White, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

/ E. D. BALL, *Acting Secretary of Agriculture.*

9394. Adulteration of tomato catsup. U. S. * * * v. 998 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14092. I. S. Nos. 5728-t, 5821-t. S. No. E-2941.)

On December 20, 1920, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 998 cases of tomato catsup, at Pittsburgh, Pa., alleging that the article had been shipped on or about September 24, 1920, by Thomas Page, Albion, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. A portion of the product was labeled, "Royal Kitchen Brand Tomato Catsup," and the balance was labeled, "Page Brand Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the containers thereof be salvaged, in so far as possible, and sold.

E. D. BALL, *Acting Secretary of Agriculture.*

9395. Adulteration and misbranding of mustard. U. S. * * * v. 42 Barrels of * * * Morehouse Prepared Old English Mustard. Judgment by default ordering destruction of the product. (F. & D. No. 14111. I. S. No. 10125-t. S. No. W-810.)

On December 22, 1920, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 42 barrels of Morehouse Prepared Old English Mustard, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Morehouse & Co., Los Angeles, Calif., arriving at Seattle on July 21, 1920, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Old English Style Mustard," was false and misleading and deceived and misled the purchaser since the said product contained mustard hulls, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 28, 1921, no claimant having appeared for the property, judgment by default was entered ordering the destruction of the product by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9396. Misbranding of Nut-All Brand oleomargarine. U. S. * * * v. Corkran, Hill & Co., a Corporation. Plea of *nolo contendere*. Fine, \$75 and costs. (F. & D. No. 14319. I. S. No. 16796-r.)

On May 17, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Corkran, Hill & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 19, 1920, from the State of Maryland into the District of Columbia, of a quantity of Nut-All Brand oleomargarine, which was misbranded. The article was labeled in part: "Nut-All Brand Oleomargarine Manufactured By The Baltimore Butterine Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 20 per cent of cottonseed oil.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Nut-All," borne on the cartons containing the article, and the statement, to wit, "Nut Margarine," borne on the wrappers around the article, together with the design and device of a coconut tree and coconuts, borne on the cartons and wrappers aforesaid, regarding the article and the ingredients and substances contained therein, were false and misleading in that

they represented that the article was a product made from coconut oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product made from coconut oil, whereas, in truth and in fact, it was not, but was a product made in part from cottonseed oil.

On May 17, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9397. Adulteration and misbranding of shelled peanuts. U. S. * * * v. 3 Bags of Shelled Peanuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14396. I. S. No. 2328-t. S. No. C-2768.)

On February 2, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 bags of shelled peanuts, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the United Fig & Date Co., Chicago, Ill., on or about June 19, 1920, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of wood shavings and hulls.

Misbranding was alleged for the reason that the product was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9398. Misbranding of Pratt's Conditioner. U. S. * * * v. 23 Bags * * * of * * * Pratt's Conditioner. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14844. I. S. No. 8215-p. S. No. E-3344.)

On April 29, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 bags of Pratt's Conditioner, remaining unsold in the original unbroken packages at Kingston, N. Y., alleging that the article had been shipped on or about September 29, 1920, by the Pratt Food Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bag) "* * * it prevents * * * Epizooty, * * * Contagious Diseases, Restores the Wind, * * * makes Cows give richer milk * * * It positively prevents sinking of Calves, Coughs, Colds and common ailments. Hog Cholera Pratt's Conditioner prevents Hog Cholera and cures it if promptly used;" (circular) "* * * to insure healthy foal in mares and make stallions' service sure, * * * to make the bull's service sure * * * For Hog Cholera.—In case of hog cholera or any other sickness, increase this dose * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ground oats, wheat and weed

seeds, salt, Epsom salt, Glauber's salt, ferrous sulphate, and small amounts of ginger, caraway, fenugreek, and nux vomica.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements appearing on the bags containing the article and in the circulars accompanying it, regarding its curative and therapeutic effects, were false and fraudulent for the reason that the article did not contain any ingredients capable of producing the results claimed for it.

On June 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9399. Misbranding of Made-Rite flour. U. S. * * * v. 1,296 * * *
Sacks of Made-Rite Flour. Decree of condemnation and forfeiture.
Product ordered released on bond. (F. & D. No. 14879. I. S. No.
5060-t. S. No. E-3323.)

On April 18, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,296 sacks, more or less, of Made-Rite flour, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Kansas Flour Mills, Kansas City, Mo., on or about February 8, 1921, and transported from the State of Missouri into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: " * * * 24½ Lbs. The Kansas Flour Mills Company Made-Rite Flour Kansas City, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement labeled on the packages containing the article, to wit, "24½ Lbs." was false and misleading to the purchaser thereof, in that it misled him into the belief that said packages contained 24½ pounds net of the article, whereas said packages did not contain 24½ pounds net of the article, but contained a less amount, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 24½ pounds net of the article, whereas, in truth and in fact, they did not, but contained a less amount. Misbranding was alleged in substance for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated was not correct.

On May 6, 1921, the Genery Stevens Co., Worcester, Mass., claimant, having filed satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

**9400. Misbranding of Beecham's Pills. U. S. * * * v. 36 Dozen Pack-
 ages of * * * Beecham's Pills. Consent decree of condemna-
 tion and forfeiture. Product released under bond. (F. & D. No.**
11050. I. S. No. 2989-r. S. No. W-471.)

On August 25, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 dozen packages of Beecham's Pills, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the B. F. Allen Co., New York, N. Y., on June 27, 1919,

and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and ginger, and were coated with talc.

Misbranding of the article was alleged in substance in the libel for the reason that the following therapeutic effects were claimed for it in a circular inclosed in each package containing the said article, to wit, that it was a cure for, or remedy in the treatment of, the blood, nerves, bilious disorders, indigestion, want of appetite, fullness after meals, vomiting, sickness at the stomach, torpid liver, sick headache, cold chills, flushing of heat, lowness of spirits, etc., for attacks of headache, dizziness or swimming in the head, wind pain and spasms at the stomach, pains in the back, restlessness, insomnia, etc., scurvy, pimples, blotches of the skin, ulcers, etc., kidney and urinary disorders, gout, rheumatism, sciatica, eczema, etc., which claims and statements were false and fraudulent in that the contents of the said packages contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 16, 1919, the B. F. Allen Co., New York, N. Y., claimant, having confessed judgment and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 9401-9450.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 15, 1921.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

9401. Adulteration and misbranding of wheat middlings and screenings.
 U. S. * * * v. 200 * * * Sacks of a Product Purporting to be Standard Wheat Middlings and Screenings. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 12066. I. S. No. 11439-r. S. No. C-1682.)

On February 3, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks, each containing 100 pounds, of an article purporting to be standard wheat middlings and screenings, consigned on August 9, 1919, by the Martens & Ketels Co., Sioux City, Iowa, and invoiced by the Donahue-Stratton Co., Milwaukee, Wis., remaining unsold in the original unbroken packages at Cambridge, Ohio, alleging that the article had been shipped and transported from the State of Iowa into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was adulterated for the reason that reground bran had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the statement on the label, to wit, "Standard Middlings and Screenings, not exceeding Mill Run," was false and misleading and deceived and misled the purchaser, and for the further reason that said article was an imitation of, and offered for sale under the distinctive name of, another article.

On February 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal after it had been relabeled.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9402. Adulteration and misbranding of apple, muscadine, apricot, Mexicola Hot, and red grape flavor beverages. U. S. * * * v. Two 16-Gallon Kegs * * * of Beverage and Four 16-Gallon Kegs * * * of Beverage. Default decree of condemnation and forfeiture. Products ordered destroyed. (F. & D. Nos. 14207, 14208. Inv. Nos. 27357, 27358, 27359, 27360, 27361, 27362. S. Nos. C-2691, C-2692, C-2693, C-2694.)

On January 24, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of two 16-gallon kegs of alleged beverage, which were labeled in part, respectively, "Apple" and "Muscadine," and four 16-gallon kegs of alleged beverage, labeled in part, respectively, "Red Grape," "Apricot Flavor," "Apple Flavor," and "Mexicola Hot," at Collins, Ark., alleging that the articles had been shipped on or about December 8, 1920, by the Red Cross Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in substance in the libels for the reason that they contained an added poisonous or deleterious ingredient, namely, saccharin, which might render the articles injurious to health, which had been mixed and packed with, and substituted in part for, sugar, and for the further reason that the articles were mixed and colored [in a manner] whereby damage and inferiority were concealed.

Misbranding of the apple and red grape beverages was alleged in substance for the reason that the labeling, "Apple" and "Red Grape," was false and misleading to the purchaser when applied to an imitation product prepared from an artificially colored, flavored, and sweetened solution, containing saccharin and benzoate of soda, neither being declared upon the label. Misbranding of the other articles was alleged for the reason that the following statements, "Muscadine," or "Apricot," or "Apple Flavor," or "Mexicola Hot," as the case might be, "Non-Alcoholic Artificial Flavor and Color Muscadine Flavor," or "Apricot Flavor," or "Apple Flavor," or "Mexicola Hot," as the case might be, (in very small type) "Sweetened with Saccharine * * * The contents of this Package guaranteed to comply with all laws. * * * Guaranteed by Red Cross Mfg. Co. St. Louis, Mo., were false and misleading and would deceive and mislead the purchaser when applied to a product which contained saccharin, which might render the article injurious to health, and benzoate of soda, which was not declared upon the label. Misbranding was further alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9403. Misbranding of Euca-Mul. U. S. * * * v. 13½ Dozen 16-Ounce Size and 44 Dozen 2½-Ounce Size Bottles of * * * Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14228, 14231, 14232. I. S. Nos. 10188-t, 10189-t, 10186-t, 10187-t, 10190-t, 10191-t. S. Nos. W-839, W-840, W-841.)

On January 25, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 13½ dozen 16-ounce size and 44 dozen 2½-ounce size bottles of Euca-Mul, consigned by the Edward G. Binz Co., Los Angeles, Calif., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been shipped on or about February 9, July 8, November 8, and November 15, 1920, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an emulsion consisting essentially of reducing sugars, glycerin, gum, oil of eucalyptus, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the following statements regarding the curative and therapeutic effects of said drugs, to wit, (16-ounce bottle label) " * * * Indicated In Croup * * * Bronchial Asthma Tuberculosis Whooping Cough Ar-ther Throat and Lung Affections * * * relieves * * * bronchial Al-a-na. Especially effective in cough of phthisis and Whooping Cough," (2-ounce bottles and cartons inclosing same) " * * * Gives immediate relief in * * * Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble * * * excellent for all Chronic Cough and Lung Troubles. It builds up resisting power in patient, controls cough * * *," (circular accompanying each carton) " * * * relieve any kind of cough; will relieve all chronic coughs, will arrest paroxysms in whooping cough * * * For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough, * * * Asthma This disease should be treated with Euca-Mul, * * * Croup * * * Euca-Mul will be appreciated in this disease * * * The persistent use of Euca-Mul brings the best result * * *," were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9404. Adulteration and misbranding of canned salmon. U. S. * * * v. 1,540 Cases of Canned Salmon * * *. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 14431. I. S. No. 10545-t. S. No. W-867.)

On or about February 8, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,540 cases of canned salmon, labeled in part, "Pal Brand," remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from Drier Bay, Alaska, by the Central Alaska Fisheries, Inc., Berkeley, Calif., and transported from the Territory of Alaska into the State of Washington, the shipment having arrived on or about August 22, 1920, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement on the label, "Superior Firm Flake Pink Alaska Salmon * * * Packed for the Best Trade," was false and misleading and deceived and misled the purchaser.

On or about March 11, 1921, the said Central Alaska Fisheries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,500, in conformity with section 10 of the act, said bond to be conditioned in part that the claimant dispose of the product as animal food under the direction of or to the satisfaction of, and with the approval of, this department.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9405. Adulteration and misbranding of Lyons Nonalcoholic Port Wine Punch, Elberta Punch, Muscadine Punch, and Cherry Tip. U. S. v. 16 Gallons * * * of Port Wine Punch, 16 Gallons * * * of Elberta Punch, 16 Gallons * * * of Muscadine Punch, and Three 16-Gallon Kegs * * * of Beverage. Default decrees of condemnation and forfeiture. Products ordered destroyed. (F. & D. Nos. 14446, 14447, 14448, 14449. Inv. Nos. 27330, 27333, 27334, 27335, 27336, 27337. S. Nos. C-2787, C-2788, C-2789, C-2790.)

On March 5, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain quantities of alleged beverage, labeled in part, respectively, "Lyons Non-alcoholic Port Wine Punch," or "Elberta Punch," or "Muscadine Punch," or "Cherry Tip," as the case might be, "Artificially colored and flavored. Stimulating and refreshing. The Lyons Brothers Company, Atlanta, Georgia, and Dallas, Texas," at Little Rock, Ark., consigned by the Lyons Bros. Co., Dallas, Tex., alleging that the articles had been shipped on or about September 16, September 17, and October 27, 1920, and transported from the State of Texas into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in substance in the libels for the reason that they were artificially colored and artificially flavored and sweetened with saccharin, which had been mixed and packed with, and substituted wholly for, the article, and for the further reason that said articles were mixed and colored in a manner whereby damage and inferiority were concealed, and further that said articles contained an added poisonous or deleterious ingredient, saccharin, which might render the articles injurious to health.

Misbranding of the articles was alleged in substance in the libels for the reason that there appeared on the kegs containing all the articles, except the Cherry Tip, the following statements, "Notice. The State of Texas, County of Dallas. Personally appeared before me a notary public in and for Dallas County, Texas, W. J. Lyons, Manager of the Lyons Brothers Company, Dallas, Texas, shippers of this keg of goods and swears upon his oath that the contents of this keg * * * is not in violation of any laws of any State, * * * W. J. Lyons. Sworn and subscribed before me this 21st day of February A. D. 1919, Jas. R. Cocke, Jr., Notary Public, Dallas County, Texas," and on the keg containing the Cherry Tip the statement "Cherry Tip," all of which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that each of the articles was an imitation of, and offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9406. Adulteration of canned salmon. U. S. * * * v. 3,820 Cases of Salmon * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 14597. Inv. No. 22739. S. No. W-882.)

On or about March 8, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3,820 cases of salmon, labeled in part "Westgate Brand Pink Salmon," remaining unsold in the original unbroken packages at Seattle, Wash., consigned by the Alaska Fisheries Co., Waterfall, Alaska, alleging that the article had been transported from the Territory of Alaska into the State of Washington, the shipments arriving on or about October 14 and November 5, 1919, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 25, 1921, the American Oriental Sales Corp., Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that said claimant dispose of the product as chicken feed and for fertilizing purposes, under the direction of, to the satisfaction of, and with the approval of this department.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9407. Adulteration of canned salmon. U. S. * * * v. 5,020 Cases of Salmon * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond, for use as fertilizer. (F. & D. No. 14601. I. S. No. 10544-t. S. No. W-884.)

On March 9, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5,020 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., shipped by the Central Alaska Fisheries Co., from Drier Bay, Alaska, alleging that the article had been shipped and transported from the Territory of Alaska into the State of Washington, the shipment arriving on or about August 19, 1920, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid animal substance.

On or about March 25, 1921, the Central Alaska Fisheries Co., San Francisco, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that said claimant dispose of said salmon as fertilizer under the direction of or to the satisfaction of, and with the approval of this department.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9408. Adulteration and misbranding of egg noodles. U. S. * * * v. 7
Cases of Egg Noodles. Default decree of condemnation, forfeiture,
and destruction. (F. & D. No. 14668. I. S. No. 10295-t. S. No. W-891.)

On March 21, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of seven cases of egg noodles, remaining unsold in the original unbroken packages at Denver, Colo., consigned by John J. Meier & Co., St. Louis, Mo., alleging that the article had been shipped on or about July 17, 1920, and February 23, 1921, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Wide" (or "Medium" or "Fine") "14 Oz. Net Weight White Cross Brand Egg Noodles Manufactured By John J. Meier & Co. St. Louis, Mo. * * * Artificially Colored * * *."

Adulteration of the article was alleged in the libel for the reason that artificially colored plain noodles had been substituted wholly for egg noodles, which the article purported to be, and for the further reason that said noodles were colored in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statement borne on the case and on the carton, to wit, "Egg Noodles," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, plain artificially colored noodles, offered for sale under the name of egg noodles.

On May 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9409. Adulteration and misbranding of cottonseed meal. U. S. * * * v.
300 Bags of Cottonseed Meal. Default decree of condemnation and
forfeiture. Product ordered sold. (F. & D. No. 14683. I. S. No.
10283-t. S. No. W-893.)

On March 28, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 bags of cottonseed meal, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the McCall Cotton & Oil Co., Phoenix, Ariz., alleging that the article had been shipped on or about January 12, 1921, and transported from the State of Arizona into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net Weight 99 Pounds Brand McCall Co. McCall Cotton and Oil Co., Phoenix, Arizona Guaranteed Analysis Crude Protein 43.00 per cent. Crude Fat 6.00 per cent. Crude Fiber 10.00 per cent. Ash 6.60 per cent. Composed of Pressed Cottonseed."

Adulteration of the article was alleged in the libel for the reason that a product containing less than 43 per cent, to wit, 38.79 per cent, of protein meal had been substituted for 43 per cent protein meal, which said article purported to be.

Misbranding was alleged for the reason that the statement borne on the label, to wit, "Crude Protein 43.00 per cent," was false and misleading and

deceived and misled the purchaser in that said cottonseed meal did not contain 43 per cent of protein, but contained only 38.79 per cent of protein.

On May 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, but that it be not sold or disposed of in violation of law.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9410. Misbranding of Grapine. U. S. * * * v. 1 Barrel of Grapine. Default decree of condemnation. Product ordered sold or destroyed. (F. & D. No. 5317. I. S. No. 590-h. S. No. 1910.)

On August 21, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel for the seizure and condemnation of 1 barrel of Grapine, at Washington, D. C., alleging that the article had been shipped by the Wm. A. Beatty Co., Inc., Los Angeles, Calif., on May 28, 1913, and transported from the State of California into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Grapine—Soda Fountain Syrup Added color and flavor. Guaranteed by Wm. A. Beatty & Co. Los Angeles, Cal. Under the Pure Food and Drugs Act, June 30, 1906, Serial No. 38170."

It was alleged in substance in the libel that by means of certain labels upon the barrel containing the article, copies of which labels were attached to and made a part of the libel and marked "Exhibit A," and which bore the word "Grapine" and had displayed prominently thereon designs of clusters of grapes, the article purported to be a grape product, when, in truth and in fact, it was not a grape product. Misbranding was alleged in substance for the further reason that the article was labeled in a false and misleading manner so as to deceive and mislead the purchaser in that the said labels purported that the article was a concentrated grape sirup, when, in truth and fact, it was not a concentrated grape sirup, but was a product artificially flavored and colored so as to imitate and simulate grape sirup, and for the further reason that the said article was offered for sale in imitation of a long [used] and distinctive name of another article, to wit, grape sirup.

On October 10, 1913, the Wm. A. Beatty Co., Inc., Los Angeles, Calif., entered an appearance as claimant for the property. On March 17, 1921, the case having come on for final disposition and no appearance having been made on that date for said claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold or destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9411. Adulteration and misbranding of Big G. U. S. * * * v. 117 Bottles of Big G. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10637. I. S. No. 6815-r. S. No. C-1302.)

On June 24, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 117 bottles of an article of drugs labeled in part, "Big G * * * Prepared by The Evans Chemical Co., Cincinnati, Ohio," remaining in the original packages at Fort Worth, Tex., consigned by the Evans

Chemical Co., Cincinnati, Ohio, alleging that the article had been shipped on or about November 12, 1918, and transported from the State of Ohio into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of borax and berberine. Hydrastine was absent.

Adulteration of the article was alleged in substance in the libel for the reason that it was labeled on the carton, in part, "A compound of Borated Goldenseal," whereas it contained no borated goldenseal, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged in substance in the libel for the reason that the statement, "A compound of Borated Goldenseal," was false and misleading in that said drug product contained no goldenseal. Misbranding was alleged in substance for the further reason that the following statements, (carton) " * * * A remedy for Catarrh, Hay Fever, and Inflammations, Irritations or Ulcerations of mucous membranes or linings of the Nose, Throat, Stomach, and Urinary Organs * * *," (bottle) " * * * Tonic, A Treatment For Unnatural Discharges of the urinary organs, * * * Inflamed, Ulcerated, Itching conditions of the skin and mucous membrane or linings of the Mouth, Nose, Throat, Eye and Ear * * *," (booklet accompanying carton and bottle) " * * * Catarrh * * * Chronic, of the Head * * * Cystitis, Gastritis—Catarrh of the Stomach * * * haemorrhoids—piles * * * Throat Troubles * * * Gonorrhoea * * * Gleet * * * Chronic Gonorrhoea * * * Stricture * * * Folliculitis * * * Gonorrhoeal Prostatis * * * Spermatorrhoea * * * Bubo * * * Gonorrhoeal Cystitis * * * As a preventative * * * after exposure * * * Balanitis * * * Bubo—Inflammation and swelling of a Lymphatic Gland of the Groin * * * Chordee * * * Swelled Testicle * * * Leucorrhoea—Whites—Catarrh of the Vagina * * * Gonorrhoea in Women," were false and fraudulent in that said product did not contain any ingredient or combination of ingredients capable of producing the effects claimed, and was not a cure, treatment, or remedy for any of the diseases or ailments above referred to.

On April 19, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9412. Adulteration and misbranding of Surety Brand cottonseed meal and misbranding of Veribest Brand cottonseed meal. U. S. * * * v. Union Seed & Fertilizer Co., a Corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 12471. I. S. Nos. 7088-r, 11065-r.)

On September 27, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Seed & Fertilizer Co., a corporation, doing business at Pine Bluff, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 4, 1919, from the State of Arkansas into the State of Michigan, of a quantity of Surety Brand cottonseed meal which was adulterated and misbranded, and on or about February 7, 1919, from the State of Arkansas into the State of Iowa, of a quantity of Veribest Brand cottonseed meal which was misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed, in the case of the Surety Brand, 35.1 per cent of protein, equivalent to 6.83 per cent of ammonia, 15 per cent of crude fiber, and approximately 30 per cent of cottonseed hulls, and in the Veribest Brand, 5.99 per cent of nitrogen, 7.28 per cent of ammonia, 37.49 per cent of protein, and 12.71 per cent of crude fiber.

Adulteration of the Surety Brand meal was alleged in the information for the reason that cottonseed hulls had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding of the Surety Brand meal was alleged for the reason that the statement, to wit, "Cotton Seed Meal * * * Guarantee Protein not less than 36.00 per cent Equivalent to Ammonia 7.00 [per cent] * * * Fibre Not more than 14.00 [per cent]," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of cottonseed meal, and that it contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and that it contained not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal, and that it contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and that it contained not more than 14 per cent of fiber, whereas, in truth and in fact, said article did not consist wholly of cottonseed meal, but consisted in part of cottonseed hulls, and it contained less than 36 per cent of protein, equivalent to 7 per cent of ammonia, to wit, approximately 35 per cent of protein, equivalent to approximately 6.83 per cent of ammonia, and said article contained more than 14 per cent of fiber, to wit, approximately 15 per cent of fiber. Misbranding of the Veribest Brand meal was alleged for the reason that the statement, to wit, "Analysis: Ammonia 7½ Per Cent Protein 38½ [Per Cent] Nitrogen 6.17 [Per Cent] * * * Crude Fiber, not over 10 [Per Cent]," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 7½ per cent of ammonia, not less than 38½ per cent of protein, not less than 6.17 per cent of nitrogen, and not more than 10 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7½ per cent of ammonia, not less than 38½ per cent of protein, not less than 6.17 per cent of nitrogen, and not more than 10 per cent of crude fiber, whereas, in truth and in fact, it contained less than 7½ per cent of ammonia, less than 38½ per cent of protein, less than 6.17 per cent of nitrogen, and more than 10 per cent of crude fiber, to wit, approximately 7.28 per cent of ammonia, approximately 37.49 per cent of protein, approximately 5.99 per cent of nitrogen, and approximately 12.71 per cent of crude fiber.

On March 2, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9413. Misbranding of Krause's Phosphorets. U. S. * * * v. 8 Packages * * * of Krause's Phosphorets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13734. Inv. No. 23370. S. No. C-2528.)

On October 7, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel for the seizure and condemnation of 8 packages of Krause's Phosphorets, at Chicago, Ill., alleging that the article had been shipped by the Norman Lichty Mfg. Co., Des Moines, Iowa, on June 14, 1920, and transported from the State of Iowa into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ferrous carbonate, asafetida, and traces of elemental phosphorus.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the curative or therapeutic effect thereof, appearing upon the carton containing the article and in the circular inclosed therein, to wit, (carton) "Nervous Debility * * * Neuralgia * * * Exhausted Nerve Force," (circular) " * * * will cure all diseases arising from a shattered condition of the nervous system, or the exhaustion of the vital energies of the brain from overwork, worry, dissipation, excesses or overindulgence of any kind * * * successful in the treatment of nervous debility, dizziness, despondency, paralysis, neurasthenia, * * * ringing noises in the head, lack of energy or ambition, * * * muscular weakness, shortness of breath * * * pain in the back, loss of memory, indecision, sciatica, early decay, rheumatism, hysteria, wasting diseases, * * * restore the blood to its normal condition, throw off the impurities and overcome diseases infesting the system. * * *. For Men * * * They will * * * cure * * * spermatorrhea * * * drains of the prostatic fluid * * *," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of such purchasers the impression and belief, that the said article was composed of or contained ingredients or medicinal agents, or combinations of ingredients, effective as a remedy for the various diseases, ailments, and afflictions mentioned therein, whereas, in truth and in fact, it did not contain ingredients effective for the purposes named.

On April 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9414. Adulteration and misbranding of Waukesha Water. U. S. * * * v. 10 Cases * * * and 19 Cases * * * of Waukesha Water * * *. Default decrees of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 13836, 13980. I. S. Nos. 1349-t, 2318-t. S. Nos. C-2568, C-2600.)

On October 30 and November 30, 1920, respectively, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 cases and 19 cases, more or less, of Waukesha Water, consigned by Wm. H. Anderson, Waukesha, Wis., remaining unsold in the original unbroken packages at Centralia, Ill., alleging that the article had been shipped from Waukesha, Wis., on or about August 6 and October 29, 1920, respectively, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Anderson's Genuine Waukesha Water The Best By Test * * * Natural Mineral Water W. H. Anderson, Proprietor Natural Spring Water."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding was alleged with respect to a portion of the article for the reason that the statement on the label, "Best By Test," was false and misleading and deceived and misled the purchaser.

On February 21, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed or sold by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9415. Adulteration and misbranding of mustard. U. S. * * * v. 16 Cases * * * of Bayle Quality Prepared Mustard * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13973. I. S. No. 1350-t. S. No. C-2588.)

On November 30, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases, more or less, of Bayle Quality prepared mustard, consigned by the Bayle Food Products Co., St. Louis, Mo., remaining unsold in the original unbroken packages at Centralia, Ill., alleging that the article had been shipped from St. Louis, Mo., on or about September 2, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bayle Quality Prepared Mustard Bayle Food Products Co. St. Louis 16 Oz. Net Weight Avois. Mustard Seed, Vinegar, Salt and Condiments Colored and Flavored with Turmeric."

Adulteration of the article was alleged in the libel for the reason that mustard bran had been mixed and packed with, and substituted wholly or in part for, the article, and for the further reason that it was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Prepared Mustard * * * 16 Oz. Net Weight Avois. Mustard Seed, Vinegar, Salt and Condiments Colored and Flavored with Turmeric," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9416. Adulteration and misbranding of apple flavor and crab apple flavor phosphated beverages. U. S. * * * v. $\frac{1}{2}$ Barrel of Apple Flavor and Two $\frac{1}{2}$ -Barrels of Crab Apple Flavor Phosphated Beverages. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 599-c. I. S. Nos. 14934-t, 14935-t.)

On March 30, 1921, the United States attorney for the District of Nebraska filed in the District Court of the United States for said district a libel for the seizure and condemnation of $\frac{1}{2}$ barrel of apple flavor and two $\frac{1}{2}$ -barrels of crab apple flavor phosphated beverages, at Hastings, Nebr., alleging that the articles had been shipped on or about September 15, 1920, by the Red Cross Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Nebraska, and charging adulteration and misbranding in violation of the Food

and Drugs Act, as amended. The articles were labeled in part: "Apple" [or "Crab Apple"] "non-alcoholic artificial flavor and color, Apple Flavor" [or "Crab Apple Flavor"] "Sweetened with saccharine. Guarantee. Contents of this package guaranteed to comply with all laws. * * * Guaranteed by Red Cross Mfg. Co. St. Louis, Mo.

Adulteration of the articles was alleged in the libel for the reason that saccharin had been mixed and packed with them so as to reduce or lower or injuriously affect their quality or strength, and had been substituted wholly or in part for the articles, and for the further reason that said articles were colored in a manner whereby damage or inferiority was concealed, and further in that they contained an added deleterious ingredient which might render them injurious to health.

Misbranding was alleged for the reason that the articles were labeled or branded so as to deceive or mislead the purchaser, and for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9417. Adulteration and misbranding of spiced mustard dressing. U. S. * * * v. 14 Cases of Alleged Spiced Mustard Dressing. Default decree of condemnation, forfeiture, and destruction. (F & D. No. 14444. I. S. No. 10185-t. S. No. W-873.)

On February 15, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 cases of alleged spiced mustard dressing, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kondit Co., Chicago, Ill., alleging that the article had been shipped on or about December 13, 1920, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net Wt. 9 Ozs. Repeater R Brand Spiced Mustard Dressing Colored With Turmeric The Kondit Co. Chicago, Ill."

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for spiced mustard dressing.

Misbranding was alleged for the reason that the statement borne on the label regarding the contents of the containers, to wit, "Spiced Mustard Dressing," was false and misleading and was calculated to deceive and mislead the purchaser.

On May 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9418. Adulteration of tomato catsup. U. S. * * * v. 1,000 Cases * * * of Tomato Catsup. Decree of condemnation, forfeiture, and destruction. Containers released to claimant. (F. & D. No. 14637. I. S. No. 1078-t. S. No. C-2831.)

On March 16, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases, more or less, of tomato catsup, at Chicago, Ill., alleging that the article had been shipped by the Sterling Products Co., Evansville, Ind., September 25, 1918, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 19, 1921, Brodsky, Gross & Co., Chicago, Ill., having entered an appearance as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. It was further ordered that upon payment of the costs of the proceedings the containers in which the product was shipped be delivered to said claimant.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9419. Adulteration of Polk's Best Catsup. U. S. * * * v. 40 Cases * * * of Catsup. Decree of court releasing product to claimant for separation of good catsup from bad, if possible. (F. & D. No. 14656. I. S. No. 1662-t. S. No. C-2887.)

On or about March 24, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cases of catsup, remaining unsold in the original unbroken packages at Oklahoma City, Okla., consigned by the J. T. Polk Co., Chicago, Ill., alleging that the article had been shipped on or about November 13, 1920, and transported from the State of Illinois into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Polk's Best Catsup J. T. Polk Company * * * Chicago, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On May 11, 1921, the case having come on for hearing and it appearing to the court that a portion of the article might be sound and fit for consumption, it was ordered that the product be forfeited and confiscated to the United States, and further provided that the same might be released to the J. T. Polk Co., Chicago, Ill., upon execution of bond, in conformity with section 10 of the act, in the sum of \$1,000, and the payment of the costs of the proceedings, said bond to be conditioned in part that said claimant make a further examination and proper test under the supervision of this department to determine what portion of the product, if any, should be permitted again to be transported in interstate commerce and sold, and it was further ordered that such portion of the article as was found to be unfit for consumption be destroyed.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9420. Adulteration and misbranding of acetylsalicylic acid tablets. U. S. * * * v. 16,000 * * * Acetylsalicylic Acid Tablets. Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 464-c. I. S. No. 11451-r.)

On April 1, 1919, the United States attorney for the Western District of Oklahoma, acting upon a report by the Assistant Health Commissioner of said State, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16,000, more or less, acetylsalicylic acid tablets, remaining unsold in the original unbroken packages at Oklahoma City,

Okla., alleging that the article had been shipped on or about December 19, 1918, by the Verandah Chemical Co., Brooklyn, N. Y., and transported from the State of New York into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced as 5-grain Vera-aspirin (Acetylsalicylic Acid) Tablets, and labeled as follows: "1,000 (5 gr.) Acetylsalicylic Acid Tablets 'Aspirin' Verandah Chemical Co., Verandah Place, Brooklyn, N. Y."

Adulteration of the article was alleged in substance in the libel for the reason that salicylic acid had been mixed and packed with the contents thereof so that its strength and purity fell below the professed standard of quality under which it was sold.

Misbranding was alleged for the reason that the package containing the article, as so labeled, contained statements regarding the article [and] of the ingredients or substances contained therein which were false and misleading in that the tablets did not contain acetylsalicylic acid, and for the further reason that said article was an imitation of, and offered for sale under the name of, another article, to wit, acetylsalicylic acid.

On June 23, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9421. Adulteration and misbranding of vinegar. U. S. * * * v. 4 Cases and 16 Bottles of Vinegar * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 598-c.)

On April 23, 1921, the United States attorney for the District of Maine, acting upon a report by the Chief Food and Drug Inspector of the State of Maine, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases and 16 bottles of vinegar, remaining in the original unbroken packages at Augusta, Me., alleging that the article had been shipped on or about July 20, 1920, from Cohocton, N. Y., and transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "C. C. C. Brand Cascade Cider Co. * * * Net Contents 16 Fl. Oz. * * * Reduced with water to 4% Acetic Acid, Springville, N. Y. Reduced Cider Vinegar made from Apples Fermented."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in part for, reduced cider vinegar made from apples fermented, and for the further reason that said product was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement appearing on the label, to wit, "C. C. C. Brand Cider Vinegar made from Apples Fermented, Net Contents 16 Fl. Oz. Cascade Cider Co." (design showing red apple), was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement appearing was incorrect and not in correct form.

On May 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9422. Misbranding of Bick's Nerve Tonic, Thomas' Emmenagogue Pills, and Arthur's Emmenagogue Pills. U. S. * * * v. 8 Boxes of Bick's Nerve Tonic Pills, 10 Boxes of Thomas' Emmenagogue Pills, and 10 Boxes of Arthur's Emmenagogue Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13707, 13708. Inv. Nos. 23278, 23280, 23281. S. Nos. C-2510, C-2511.)

On September 21, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 boxes of Bick's Nerve Tonic, 10 boxes of Thomas' Emmenagogue Pills, and 10 boxes of Arthur's Emmenagogue Pills, at Pine Bluff, Ark., alleging that the articles had been shipped on or about March 6, 1920, by the Palestine Drug Co., St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. Bick's Nerve Tonic was labeled in part: "Bick's Nerve Tonic * * * for Nervous Prostration and bodily aches and pains. * * * tonic for all female complaints. * * * for Weakness, Nervousness, Headache, Kidney Trouble, and loss of Power in either Sex. * * * for female weakness heart trouble and where a general breakdown of the nervous system exists * * *." The Thomas' and Arthur's Emmenagogue Pills were labeled in part: " * * * Emmenagogue Pills recommended for Amenorrhea, Dysmenorrhea and other Menstrual Troubles * * * beginning treatment * * * before the regular monthly period. * * * continue * * * until relief is obtained."

Analysis of a sample of the nerve tonic by the Bureau of Chemistry of this department showed that it consisted of brown and yellow tablets. The brown tablets consisted essentially of phosphates, phosphorus, zinc, and iron, and the yellow tablets contained phosphates, iron, and strychnine. Analyses of samples of both brands of the emmenagogue pills showed that they consisted essentially of iron, sulphates, aloes, and an unidentified alkaloid.

It was alleged in substance in the libel that the articles were misbranded for the reason that the above-quoted statements, regarding the curative and therapeutic effects of said articles, were false, fraudulent, and misleading inasmuch as the articles contained no ingredient or combination of ingredients capable of producing the effects claimed for them in said statements.

On April 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9423. Adulteration and misbranding of vinegar. U. S. * * * v. 4 Barrels * * * of Cider Vinegar * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13982. I. S. No. 1347-t. S. No. C-2599.)

On December 2, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 barrels, more or less, of cider vinegar, consigned by the National Vinegar Co., St. Louis, Mo., remaining unsold in the original unbroken packages at Carbondale, Ill., alleging that the article had been shipped from St. Louis, Mo., on or about August 28, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (On barrel) "* * * Cider Vinegar Reduced to 4% Acidity. Made in St. Louis."

Adulteration of the article was alleged in substance in the libel for the reason that an imitation product, that is to say, either corn sugar vinegar or distilled vinegar, or both, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement on the label on the barrels, "Cider Vinegar," was false and misleading and deceived and misled the purchaser, since the said article was an imitation product. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 21, 1921, Marquard F. Braun, claimant, having consented to a decree and having asked permission to rebrand the article so as to show the true contents of said barrels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9424. Adulteration and misbranding of Snappy Apple and Apple Beverage.

U. S. * * * v. 16 Gallons * * * of Snappy Apple and 16 Gallons * * * of Apple Beverage. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14248, 14249. Inv. Nos. 27363, 27365. S. Nos. C-2712, C-2713.)

On January 24, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 16 gallons of Snappy Apple and 16 gallons of Apple Beverage, at Monticello and Wilmar, Ark., respectively, alleging that the articles had been shipped by the Red Cross Mfg. Co., St. Louis, Mo., on or about December 8 and 11, 1920, respectively, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the articles was alleged in substance in the libels for the reason that an artificially colored beverage preserved with benzoate of soda and sweetened with saccharin had been mixed and packed with, and substituted wholly or in part for, the said articles, for the further reason that they were mixed and colored in a manner whereby damage or inferiority was concealed, and for the further reason that they contained an added poisonous or deleterious ingredient, saccharin, which might render them injurious to health.

Misbranding was alleged in substance for the reason that certain statements appearing on the kegs containing the said articles, to wit, "Apple Flavor. Guarantee. The contents of this package guaranteed to comply with all laws," were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles.

On April 26, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9425. Misbranding of Binz Bronchi-Lyptus. U. S. * * * v. 433 Bottles of Bronchi-Lyptus. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14489, 14490. Inv. Nos. 26778, 26779. S. Nos. C-2819, C-2820.)

On February 21, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel for the seizure and condemnation of 433 bottles of Binz Bronchi-Lyptus, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about July 21, March 16, and October 22, 1920, by Edward G. Binz, Los Angeles, Calif., and transported from the State of California into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) " * * * Croup, Asthmatic Cough, Whooping-Cough, and Sore Throat * * * Croup, Asthmatic Cough, Whooping-Cough * * * Sore Throat, and palliative in Tuberculous Coughs. * * * Croup, Asthmatic Cough, and Whooping-Cough, * * *;" (circular) " * * * Croup, Whooping Cough, Asthmatic Cough and a palliative in Tuberculosis Cough. * * * Sore Throat, Hoarseness and loss of Voice * * * As a Treatment in Croup * * * As a Treatment in Asthmatic Cough * * * As a Treatment in Whooping Cough * * * As a Treatment for Hoarseness and Loss of Voice * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution containing essentially oil of eucalyptus, oil of peppermint, glycerin, sugar, gum acacia, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements contained in the labels and circulars, regarding the curative and therapeutic effects of the article, were false and fraudulent.

On April 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9426. Adulteration and misbranding of lemon pie filling. U. S. * * * v. 14 Packages * * * of Lemon Pie Filling. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14594. I. S. No. 4067-t. S. No. C-2838.)

On March 9, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 packages, more or less, of lemon pie filling, at Chicago, Ill., alleging that the article had been shipped by S. Gumpert & Co., Brooklyn, N. Y., on November 30, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a compound of cornstarch, salt, and tartaric acid had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of, and was sold under the distinctive name of, another article, to wit, lemon pie filling.

On May 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9427. Adulteration of Finocchietti Semplici. U. S. * * * v. 25 Cases * * * of Finocchietti Semplici. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14599. I. S. No. 289-t. S. No. C-2815.)

On March 10, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, more or less, each containing 100 cans, of Finocchietti Semplici, at Chicago, Ill., alleging that the article had been shipped by Montagnino & Scaduto, New York, N. Y., on July 9, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9428. Adulteration of tomato catsup. U. S. * * * v. 80 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14619. I. S. No. 3225-t. S. No. C-2862.)

On March 10, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 cases of tomato catsup, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about November 30, 1920, by the J. T. Polk Co., Mound City, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Califo Brand Fancy Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, putrid, and decomposed vegetable substance.

On April 29, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9429. Adulteration of coal-tar color. U. S. * * * v. One Pound Can of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14644. I. S. No. 3685-t. S. No. C-2874.)

On March 18, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one pound can of coal-tar color, at Chicago, Ill., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on March 2, 1921, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that other substances, to wit, sodium chlorid and sodium sulphate, had been mixed and packed with, and substituted wholly or in part for, the said article,

and for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, arsenic, which might render the said article injurious to health.

On May 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9430 (Supplement to Notice of Judgment 8903). Adulteration and misbranding of orange crush. U. S. * * * v. 22 Cases of Orange Crush, So-Called. Supplemental decree of the court ordering release of the product under bond. (F. & D. No. 11461. I. S. No. 6246-r. S. No. C-1491.)

On January 25, 1921, the court entered a supplemental decree in the above case as follows: A decree having been heretofore entered for the condemnation and destruction of the above-named property, and the Orange Crush Co., claimant, having since paid the costs and now having filed a bond in accordance with the provisions of the law, it is ordered that the said property above-mentioned be delivered by the marshal to the said Orange Crush Co., claimant.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9431. Adulteration and misbranding of kidney beans. U. S. * * * v. 40 Cases of Alleged Kidney Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12088. I. S. No. 8880-r. S. No. C-1743.)

On February 14, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cases of alleged kidney beans, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Western Grocery Co. Mills, Marshalltown, Iowa, on or about January 6, 1920, and transported from the State of Iowa into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, (on shipping package) "Red Kidney Beans."

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the statement, "Red Kidney Beans," was false and misleading and deceived and misled the purchaser when applied to a product containing long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of, and was sold under the distinctive name of, another article.

On May 11, 1921, the Marshall Canning Co., Marshalltown, Iowa, having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled so as to show its true nature and character.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9432. Misbranding of Gauvin's Cough Syrup and Sirop D'Anis (Syrup of Anise). U. S. * * * v. 43 Bottles of Gauvin's Cough Syrup, et al., and 2½ Dozen Bottles of Sirop D'Anis, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12498, 12499, 12703, 12704, 12705, 12706, 12766, 12767, 12768, 12769, 12770, 12771. I. S. Nos. 304-r, 305-r, 344-r, 345-r, 347-r, 348-r, 482-r, 484-r, 485-r, 487-r, 478-r, 490-r. S. Nos. E-2136, E-2143, E-2225, E-2226, E-2227, E-2231, E-2274, E-2275, E-2276, E-2277, E-2279, E-2280.)

On May 25 and 29, 1920, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 404 bottles of Gauvin's Cough Syrup and 752 bottles of Sirop D'Anis, at various places in New Hampshire, alleging that the articles had been shipped by J. A. E. Gauvin, Lowell, Mass., on various dates in 1916, 1917, 1919, and 1920, and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the Food and Drugs Act, as amended. All the bottles of the Gauvin's Cough Syrup were labeled: (In English) "* * * For * * * 'La Grippe,' Whooping-Cough & all Affections of the Throat & Lungs." A portion of the cartons inclosing these bottles were labeled: (In English and French) "* * * Recommended For * * * 'La Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung Diseases." The circulars inclosed in these cartons contained the following: (In English) "* * * Successfully used in all affections of the Throat, Bronchi and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the Chest * * * Spasmodic Coughs * * *;" (in French) "* * * Used against all Affections of the Throat, Bronchi and Lungs. * * * Gauvin's Cough Syrup is fully indicated for treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs. Asthma, Whooping Cough, Grippe, Hoarseness, Influenza and the first stages of Consumption. * * * Tuberculosis * * * Epidemic Grippe * * * Disease of the Chest * * * Gastric Disorders." Other cartons containing this article were labeled: (In English and French) "* * * Recommended for * * * 'la Grippe' Whooping Cough and all Throat and Pulmonary Diseases. * * * for all Diseases of the Respiratory Organs * * *." Circulars inclosed in these cartons included the following: (In English and French) "* * * the greatest possibilities of a radical cure. * * * highly recommended for all Affections Of The Respiratory Organs. * * * its persistent use produces a beneficial relief in serious as well as desperate cases. * * * a remedy for all Affections of the Respiratory Organs: Throat, Bronchial Tubes and Lungs. * * * the use of Gauvin's Syrup in the treatment of more severe cases of * * * Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proven conclusively the efficacy of this remedy. * * * especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, * * * it will relieve the worst cases * * *." A portion of the bottles containing the Sirop D'Anis were labeled: (In English) "* * * For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition * * *," (in French) "For Babies This syrup is administered in cases of Colic, Diarrhea. Dysentery, painful Dentition, Sleeplessness, Coughs. Colds, etc." The wrappers about these bottles were labeled: (In English) "* * *

For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc." (in French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc." The circulars accompanying these bottles contained the following: (In English) " * * * (For Babies) * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness, Recommended for babies and children when the process of dentition is painful," (in French) " * * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Colds, and Chills (Refrroidissements). Recommended for babies and children when dentition is painful and when wanting sleep." The remainder of the Sirop D'Anis was labeled in English upon the bottles: "For Babies. * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cough syrup consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water, and that the syrup of anise consisted essentially of morphine acetate, oil of anise, sugar, alcohol, and water.

It was alleged in substance in the libels that the articles were misbranded for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the articles, appearing upon the bottles, wrappers, and circulars, were false and fraudulent for the reason that the products contained no ingredients or combination of ingredients capable of producing the effects claimed.

On May 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9433. Misbranding of Tratamiento Zendejas. U. S. * * * v. 6 Bottles and 180 Bottles * * * of Tratamiento Zendejas. Tried to the court. Verdict for the Government. Product ordered destroyed. (F. & D. Nos. 12566, 12577. I. S. Nos. 5004-r, 5006-r. S. Nos. W-591, W-595.)

On April 7 and April 8, 1920, the United States attorney for the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 6 bottles and 180 bottles, more or less, respectively, of Tratamiento Zendejas, remaining in the original unbroken packages at Tucson and Phoenix, Ariz., respectively, and on April 19, 1920, the said United States attorney filed an amended libel with respect to the 6 bottles of the product, alleging that the article had been shipped by Panfilo Zendejas, Los Angeles, Calif., on or about March 13 and March 23, 1920, respectively, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution containing potassium iodid, sugar, and plant extractives.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, regarding the curative and therapeutic effects of the said article, appearing on the label attached to the bottles containing the article, on the wrapper around the said bottles, and in accompanying folders, to wit, (bottle, in Spanish) "Tratamiento Zendejas A Strong Purifier of the Blood For Rheumatism, Constipation, Kidney Troubles,

Eczema," (in English) "A Blood Depurator For Rheumatism, Constipation, Kidney Troubles, Eczema," (sticker on wrapper) "Diabetic patients will have to take the medicine straight or with the amount of sugar prescribed by their doctor," (light gray folder in Spanish) "Zendejas Treatment for Men, Women and Children. Strong purifier of the blood * * * Patients suffering from tumors, ulcers, eruptions and all kinds of suppurated manifestations * * * those who suffer from suppurations whether tumors, scrofulas, wounds, fistulas, etc., etc. * * * the Zendejas Treatment removes all these impurities from the blood * * * During the treatment with Zendejas Treatment no other medicine should be taken * * * To those suffering from rheumatism * * * pains will disappear in the first days not to appear again * * * If the teeth have become loose on account of mercury taken by the patient * * * As * * * the Treatment works with such rapidity that their pains disappear * * * they should not believe * * * they are already safe but should continue the treatment until a cure is obtained. The treatment to be complete should be * * * without interruption until 10, 12 or 15 bottles have been taken * * * If the disease * * * is paralysis, loss of sight, chronic rheumatism, or extremely large or deep ulcers, a greater number of bottles should be taken," (light green folder, in Spanish) "Zendejas Treatment Strong Purifier of the Blood. For all sexes For all ages. * * * is notably antagonistic to some germs * * * it makes it unnecessary for the patients to incur the expense of consulting physicians * * * No disturbance of the digestion and no loss of appetite * * * the Zendejas Treatment has the same effect on the blood as a purgative or laxative on the digestion. On account of its composition the Zendejas Treatment acts as a very strong purifier of the blood; as the most active regenerator of the nutritive fluid, as the most energetic reconstituent which may create well being and hope in a large number of patients whose depressed and sad appearance is a sure sign of constant disturbances in the digestive apparatus, impoverishment of blood and lack of nervous energy * * * the most assimilable and eliminable medicine for all impurities of the blood * * * the inventor is able to recommend this medicine with so much confidence being convinced that so far none has given such good results with blood diseases of all kinds and diseases of secondary order such as anemia, chlorosis, jaundice and some skin diseases * * * diseases originating from impurity of the blood. * * * pimples, headache (acute pain in head), dyspepsia, intestinal irregularities produced by the use of mercury, eczema, epilepsy or fits, insomnia, sores, lack of respiration, memory, sleep, and appetite, poor digestion, constipation, seasickness, neurasthenia, rheumatism, suppuration of the eyes or ears, tumors, scrofula, fatigue caused by overwork, wounds, suppurating fistulas and tumors which do not heal, some diseases of the sight, nervous affections, paralysis, lack of blood circulation, sleeping of the arms, legs or other parts of the body * * * the cause of all these diseases is a single one. * * * the cause of the diseases for which the Zendejas Treatment is used is impurity of the blood; the effects are the diseases mentioned. If the blood is purified, all these diseases will disappear," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 21, 1921, the case against the 6 bottles of the product, at Tucson, came on for trial before the court, the claimant, Panfilo Zendejas, Los Angeles, Calif., having entered into a stipulation with the Government that the decision in this case should also be the decision in the case against the 180 bottles at Phoenix. After the submission of evidence and arguments by counsel, a decision in favor of the Government was handed down, as will more fully

and at large appear from the following memorandum opinion (Sawtelle, *D. J.*) :

In this case the government seeks to condemn 6 bottles of Tratamiento Zendejas, and the libel alleges that the same were branded and shipped by the claimant herein in interstate commerce in violation of the Act of June 30th, 1906, as amended by the Act of August 23rd, 1912 (Section 8724, Compiled Statutes 1913). This act provided: "That for the purpose of this Act an article shall be deemed to be misbranded: In case of Drugs * * * Third, If its package or label shall bear or contain any statements, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

The claimant admits that he printed and published the statement contained in the circular and labels and also admits the interstate shipment, but expressly denies that such statements were false and fraudulent.

A careful reading of the evidence convinces me that the statement which accompanied the packages in question were made and published by the claimant with the intent to deceive and that the representations therein made with respect to the curative or therapeutic effects of the mixture contained in the bottles and packages were knowingly false and fraudulent.

U. S. *v.* Eckmons, 239 U. S. 510.

Bradley *v.* U. S., 264 Fed. 799. C. C. A.

McLean Medicine Co. *v.* U. S., 263 Fed. 694.

A judgment may be entered for the libellant.

On or about May 20, 1921, the case having come on for final disposition, it was ordered by the court that the product be destroyed by the United States marshal, and that the claimant pay the costs of the proceedings.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9434. Misbranding of tankage. U. S. * * * v. 16 Sacks * * * of Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13218. I. S. No. 3405-t. S. No. C-2079.)

On August 14, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 sacks, more or less, of tankage, remaining in the original unbroken packages at Ivanhoe, Minn., alleging that the article had been shipped by Geo. P. Sexauer & Son, Brookings, S. D., on or about March 27, 1920, and transported from the State of South Dakota into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "100 lbs. Net Decker's Protofod Sterilized Digester Tankage, guaranteed analysis protein 60 per cent, bone building phosphate 10 per cent, fat 8 per cent, fiber 4 per cent Jacob E. Decker and Sons, Mason City, Iowa."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 50.27 per cent of protein.

Misbranding of the article was alleged in the libel for the reason that the statement regarding the quantity of protein in said article, to wit, "Protein 60 per cent," was false and misleading and deceived and misled the purchaser.

On December 11, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9435. Misbranding of Parry's Vegetable Compound. U. S. * * * v. Certain Bottles of Parry's Vegetable Compound Nos. 1 to 14, inclusive. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13762. I. S. Nos. 8247-t to 8260-t, inclusive. S. Nos. E-2800 to E-2813, inclusive.)

On October 7, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district a libel for the seizure and condemnation of certain bottles of Parry's Vegetable Compound Nos. 1 to 14, inclusive, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the Parry Medicine Co., Inc., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part: "Parry's Vegetable Compound No. 1. * * * Cancer * * * For Tuberculosis, Lungs, Bones or Flesh, Gallstones or Tapeworm;" " * * * No. 2. * * * Cancer * * * For Cancer, Catarrh, Head Noises, Tumors, Adenoids, Hemorrhoides, Piles, Appendicitis, Asthma, Goiter, Typhoid and all other Fevers;" " * * * No. 3. * * * Cancer * * * For Bright's Disease, Bladder, Kidneys, Influenza and for Weak Women;" " * * * No. 4. * * * Cancer * * * For Stomach, Bowel Trouble, Black Plague and Leprosy;" " * * * No. 5. * * * Cancer * * * For Inflammation of Throat and Bronchitis;" " * * * No. 6. * * * Cancer * * * For Eczema, Pimples, Skin Disease, Scalds, Burns, and Smallpox;" " * * * No. 7. * * * Cancer * * * For Varicose Veins, High Blood Pressure and Dropsy;" " * * * No. 8. * * * Cancer * * * For Diabetes, Liver, Spleen and Adenoids;" " * * * No. 9. * * * Cancer * * * For Insanity, Fits, Paralysis, Meningitis, Mad Dog and Snake Bite;" " * * * No. 10. * * * Cancer * * * For Heart, Kidneys, Nose and Throat;" " * * * No. 11. * * * Cancer * * * For Nervous Troubles, Rheumatism and Saint Vitis Dance;" " * * * No. 12. * * * Cancer * * * For Nerves, Gall Stones, Curvature of Spine and Deformity;" " * * * No. 13. * * * Cancer * * * For Blindness, Weak Eyes, Cataract and Deafness;" " * * * No. 14. * * * Cancer * * * For All Venerial Diseases, Etc."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that each and all consisted essentially of olive oil, alcohol, water, and amaranth coloring matter.

Misbranding of the articles was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said articles were false and fraudulent, as the articles contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged in substance for the further reason that each label bore the words, "All goods guaranteed under the Pure Food and Drugs Act, June 30, 1906," which statement was false and misleading.

On April 6, 1921, the Parry Medicine Co., Pittsburgh, Pa., having entered an appearance as claimant for the property, and having filed an answer to the libel, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the goods be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the articles be relabeled under the supervision of this department.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9436. Misbranding of olive oil. U. S. * * * v. Joseph Crisafulli and Stefano Crisafulli (Crisafulli Bros.). Pleas of guilty. Fine, \$200. (F. & D. No. 14049. I. S. Nos. 12995-r, 13173-r.)

At the April, 1921, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against Joseph Crisafulli and Stefano Crisafulli, trad-

ing as Crisafulli Bros., at New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 27, 1919, from the State of New York into the State of Rhode Island, of a quantity of olive oil which was misbranded. The article was labeled in part: "Contains One Full Gallon" (or "1/2 Gallon" or "One Full Quart") "* * * Pure Olive Oil Crisafulli Brand * * * Crisafulli Brothers Importers & Packers * * *."

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

| Cans. | Sample No. 1, 12 cans of each size. | | Sample No. 2, 24 cans of each size. | |
|------------------|-------------------------------------|-----------|-------------------------------------|-----------|
| | Average net contents. | Shortage. | Average net contents. | Shortage. |
| | | Gallon. | Per cent. | Gallon. |
| Gallon..... | 0.988 | 1.2 | 0.984 | 1.6 |
| Half-gallon..... | .493 | 1.4 | .488 | 2.4 |
| Quart..... | .244 | 2.4 | .241 | 3.6 |

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the statements, to wit, "One Full Gallon," "Contains 1/2 Gallon," or "Contains One Full Quart," as the case might be, borne on the cans containing the article, regarding the article, were false and misleading in that they represented that each of the said cans contained one full gallon, one-half gallon, or one full quart, as the case might be, of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained one full gallon, one-half gallon, or one full quart, as the case might be, whereas, in truth and in fact, each of said cans contained a less amount.

On April 6, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9437. Misbranding of Pratts Cow Remedy. U. S. * * * v. 24 Packages, 60-Cent Size, 2 Cases, 60-Cent Size, 12 Packages, \$1.20 Size, 1 Case, \$1.20 Size, and Two 12-Pound Pails of Pratts Cow Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14415, 14417. I. S. Nos. 4760-t, 4759-t. S. Nos. C-2769, C-2784.)

On or about February 18, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on April 30, 1921, an amended libel, for the seizure and condemnation of certain quantities of Pratts Cow Remedy, at San Antonio, Tex., alleging that the article had been shipped by the Pratt Food Co., Chicago, Ill., on or about December 27, 1919, July 19, 1920, and October 12, 1920, and transported from the State of Illinois into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Pratts Cow Remedy is a tested remedy and preventive for Contagious Abortion, Barrenness (Failure to Breed), Garget, Milk Fever * * * For Barrenness * * * For Milk Fever And Garget * * * prevents retained afterbirth, * * * For Calves: For preventing or treating scours,

* * * Pratts Cow Remedy will assist in rendering the bull's service more sure, particularly where contagious abortion has appeared in the herd. * * * For Accidental Or Contagious Abortion * * * To Prevent: In herds where cows have previously aborted, or in neighborhoods where disease exists, * * * Contagious Abortion * * * Retained Afterbirth * * * Pratts Cow Remedy Is A Medicinal Specific for diseases of cows. * * * preventive and remedy for cow troubles * * *. The remainder of the article was labeled in part: * * * For barrenness * * * For Calves: For preventing or treating scours, * * * For accidental Or Non-Contagious Abortion * * * Contagious Abortion * * * Retained Afterbirth * * * Pratts Cow Remedy is a tested compound to aid in the prevention and treatment of abortion (slinking of calves), barrenness (failure to breed), retained afterbirth, * * *.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sodium chlorid, sodium bicarbonate, Epsom salt, iron oxid, charcoal, fenugreek, ginger, capsicum, nux vomica, and bitter plant material.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9438. Adulteration of coal-tar yellow color. U. S. * * * v. One Pound Can of Coal-Tar Yellow Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14643. I. S. No. 2334-t. S. No. C-2873.)

On March 23, 1921, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amendment to said libel, for the seizure and condemnation of one pound can of coal-tar yellow color, remaining unsold at Hawarden, Iowa, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 1, 1921, and transported from the State of Missouri into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "1 Lb. Net Manufacturing Chemists * * * Contents Yellow W. B. Wood Mfg. Co. St. Louis, Mo. * * *."

Adulteration of the article was alleged in substance in the libel, as amended in that it contained sulphates and salt and a non-permitted dye product, and for the further reason that it contained a poisonous and deleterious ingredient, to wit, arsenic, which might render the said article injurious to health.

On May 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9439. Adulteration and misbranding of Eec-O-Gene. U. S. * * * v. 150 Gross * * * of Eec-O-Gene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14682. I. S. No. 3205-t. S. No. C-2901.)

On March 28, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel for the seizure and condemnation of 150 gross cartons, more or less, of Ecc-O-Gene, at Little Rock, Ark., alleging that the article had been shipped by the Mountain States Mfg. Co., Brooklyn, N. Y., on June 8, 1918, and transported from the State of New York into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, an imitation egg substitute, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article, and for the further reason that it had been mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the package or label bore the following statement regarding the article and the ingredients and substances contained therein, " * * * For replacing eggs in cooking and baking. Use this Package in place of 12 Eggs * * * Unsurpassed for Purity and Economy," which statement was false and misleading and deceived and misled the purchaser.

On April 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9440. Adulteration and misbranding of St. Clair Brand cottonseed meal and misbranding of Illinois Brand cottonseed meal. U. S. * * * v. East St. Louis Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 9799. I. S. Nos. 6561-p, 11910-p.)

On July 22, 1919, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the East St. Louis Cotton Oil Co., a corporation, East St. Louis, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 25, 1918, from the State of Illinois into the State of New York, of a quantity of St. Clair Brand cottonseed meal which was adulterated and misbranded, and from the State of Illinois into the State of Missouri, of a quantity of Illinois Brand cottonseed meal which was misbranded. The article was labeled in part: "Cotton Seed Meal * * * Guaranteed Analysis: St. Clair Brand * * * Crude Protein 36% * * * Manufactured by East St. Louis Cotton Oil Co. National Stock Yards, Ill.," or "Cotton Seed Meal * * * Guaranteed Analysis Illinois Brand * * * Crude Protein, not less than 41 to 43% * * * Manufactured By East St. Louis Cotton Oil Co. National Stock Yards, Ill."

Analysis of a sample of the St. Clair Brand by the Bureau of Chemistry of this department showed that it contained at least 27 per cent of cottonseed hulls and approximately 34.1 per cent of protein. Analysis of a sample of the Illinois Brand by the said bureau showed that it contained approximately 39.8 per cent of protein.

Adulteration of the St. Clair Brand was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the said article purported to be.

Misbranding of both consignments of the article was alleged for the reason that the respective statements, to wit, "Protein 36%," "Cotton Seed Meal,"

and "Crude Protein, not less than 41 to 43%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 36 per cent or not less than 41 per cent, as the case might be, of protein, and that the St. Clair Brand consisted exclusively of cottonseed meal, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent or not less than 41 per cent, as the case might be, of protein, and that the St. Clair Brand consisted exclusively of cottonseed meal, whereas, in truth and in fact, the said article contained less protein than declared in said statements, to wit, approximately 34.1 per cent and 39.8 per cent, respectively, of protein, and the St. Clair Brand consisted of a mixture composed in part of cottonseed hulls.

On December 12, 1919, a plea of guilty was entered on behalf of the defendant company with respect to counts two and three of the information relative to the misbranding of the product in both consignments, and the court imposed a fine of \$100 and costs. On June 9, 1921, a plea of guilty was entered on behalf of the company with respect to count one of the information relative to the adulteration of the St. Clair Brand, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9441. Adulteration and misbranding of vinegar. U. S. * * * v. 60 Barrels of Vinegar, et al. Decrees entered ordering release of product under bond. (F. & D. Nos. 12984, 12985, 13109, 13134 to 13155, inclusive, 13984. I. S. Nos. 351-r, 350-r, 13095-r, 13096-r, 13097-r, 5223-t. S. Nos. E-2406, E-2407, E-2433, E-2440, E-2441, E-2467, E-2903.)

On or about July 1, July 23, August 5, and December 2, 1920, respectively, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 266 barrels of vinegar, located at various places in New Hampshire, alleging that the article had been shipped by F. E. Jewett & Co., Lowell, Mass., between the dates May 17 and August 21, 1920, and transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the barrels were labeled in part: "Pure Cider Vinegar Made From Apples By F. E. Jewett & Co. Lowell, Mass. Acidity Reduced To Not Less Than 4% * * *." Another portion of the barrels were labeled in part: " * * * Pure Cider Vinegar Made From Apples. Reduced To 4% Acidity * * *." Another portion of the barrels were labeled in part: "Pure Cider Vinegar Made From Apples * * * Reduced To Not Less Than 40 Grains Acidity * * *."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in part for, apple cider vinegar.

Misbranding was alleged for the reason that the label on the barrels containing the statement, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that, purporting to be "Pure Cider Vinegar Made From Apples," and being offered for sale as such, the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 28, 1921, F. E. Jewett & Co. having entered an appearance as claimant for the property, judgments were entered ordering that the product be released to said claimant upon payment of the costs of the proceedings and

the execution of bonds in the aggregate sum of \$2,600, in conformity with section 10 of the act, conditioned in part that if the product should be again offered for sale the barrels containing the same should be properly branded so as to comply with the provisions of the Food and Drugs Act.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9442. Adulteration and misbranding of ice cream cones. U. S. * * * v. 10,000 Cones of an Article of Food Designated "Sterling Brand Sweet Cake Ice Cream Cones." Default decree of condemnation. Product ordered destroyed. (F. & D. No. 13516. I. S. No. 11679-t. S. No. C-2087.)

On August 25, 1920, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10,000 Sterling Brand Sweet Cake ice cream cones, remaining unsold in the packages in which they were shipped, at Lexington, Ky., consigned on June 10, 1920, by the Sterling Cone Co., St. Louis, Mo., from East St. Louis, Ill., alleging that the article had been transported from the State of Illinois into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sterling Brand Sweet Cake Ice Cream Cones Manufactured and Guaranteed By Sterling Cone Co. * * * Saint Louis, Missouri * * * Purest Made—Finest Grade."

Adulteration of the article was alleged in the libel for the reason that saccharin had been mixed and packed with, and substituted wholly or in part for, the article, for the further reason that it was mixed in a manner whereby its inferiority was concealed, and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged for the reason that the labeling, "Sterling Brand Sweet Cake Ice Cream Cones," was false and misleading and deceived and misled the purchaser into the belief that the product was sweetened with sugar, whereas it contained saccharin.

On April 13, 1921, no claimant having appeared for the property, and the case having come on for final disposition, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9443. Misbranding of Arthur's Sextone Tablets. U. S. * * * v. 10 Boxes of Arthur's Sextone Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13706. Inv. No. 23282. S. No. C-2513.)

On September 21, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 boxes of Arthur's Sextone Tablets, at Pine Bluff, Ark., alleging that the article had been shipped on or about March 6, 1920, by the Palestine Drug Co., St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets were coated with sugar and calcium carbonate and contained iron, zinc, caffeine, a small amount of phosphate, and unidentified plant extractives.

It was alleged in substance in the libel that the article was misbranded for the reason that the following statements, regarding the curative and therapeutic effects of said article, appearing upon the wrapper and in the circular accompanying the same, (wrapper) " * * * For Either Sex Composed of some of the Most Potent and Dependable Aphrodisiac Agencies Known to Medical Science. * * * are offered as an aid to permanent improvement, rather than temporary results. * * * Are Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. Directions: Take * * * until results indicate decided improvement * * *," (circular) " * * * Arthur's Sextone Tablets * * * are very useful in treating cases of exhaustion of nervous energy, as they are composed of ingredients that not only stimulate the nervous system, particularly the Sexual Plexes, but in many cases nourish the nervous system and build it up," were false, fraudulent, and misleading inasmuch as the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it in said statements.

On April 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9444. Adulteration and misbranding of Aqua Nova Vita. U. S. * * * v. 4 Bottles * * * of Aqua Nova Vita. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14079. I. S. No. 5820-t. S. No. E-2947.)

On December 16, 1920, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 bottles, more or less, of Aqua Nova Vita, consigned by the Aqua Nova Vita Co., Lorain, Ohio, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped from Lorain, Ohio, on or about November 22, 1920, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was ordinary salt water, slightly radioactive, and that it contained *B. coli* in small quantities, which rendered it polluted.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding of the article considered as a food was alleged in substance for the reason that the bottles bore labels which contained statements regarding the article which were false and misleading in that the said statements imported that the article contained 12.50 [1250] M. U. of radio emanation, whereas, in truth and in fact, it contained a less amount of radio emanation, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of the article considered as a drug was alleged for the reason that the following statements appearing on the label on the bottles, to wit, " * * * all forms of cancer * * * ordinary scalp troubles, * * * skin diseases * * * is a Remedy in all Chronic Blood and Gland Diseases Hardening Of The Arteries High Blood Pressure or Arterio-

Sclerosis Ulcers, Tumors and Cancers Internal or External Syphilis Especially Effects in Inherited Disease Anemia and Pernicious Anemia Loss of Strength, Weight and Power, Tuberculosis of the Lungs, Stomach, Kidney, Bones, and Skin Rheumatism If due to any cause above mentioned. Nervous Diseases In the first stage of Paralysis, Paresis, Paranoia Insomnia or Sleeplessness, Impotence, Locomotor-Ataxia, Senile Dementia, Melancholia, all Nervous Disorders due to Arterio-Sclerosis. Improper Menstruation and the Menopause or Change of Life Period of Females. In all but the last stage of Chronic Stomach Troubles, Indigestion, Dyspepsia, Gastritis and Ulceration, Chronic Liver Troubles, Jaundice, Biliousness, Gall-stones and Cirrhosis, Diabetes, Chronic Kidney Troubles, Dropsy, Bright's Disease, Nephritis. All Disease due to Malignant Bacteria in the Bowels, including Typhus and Typhoid. All Skin and Scalp Diseases, due to Blood Impurity, Bacterial or Vegetable Parasites. * * * Acts as a general antitoxin against all forms of bacterial poisons, no matter where located in the human system. Acts as a solvent in all forms of mineral deposits, sclerosis, calculi and others. Restores blood pressure to normal, * * * brings tissue and weight back to normal. Automatically stops all excessive use of all stimulants, whether alcohol, tobacco, coffee, tea and all narcotic drugs, * * * Restores the circulation of the blood, whether due to arterio sclerosis, anaemia or other senile decay. * * * new life coursing through the veins, a healthy appetite and a good digestion are some of the results * * * A full recovery in most chronic diseases * * * In all troubles of Female Organs, * * * immediate relief, * * * will eliminate the trouble * * *, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On April 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9445. Misbranding of tomatoes. U. S. * * * v. California Vegetable Union, a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14307. I. S. No. 10155-t.)

On March 14, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the California Vegetable Union, a corporation, Los Angeles, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 30, 1920, from the State of California into the State of Colorado, of a quantity of tomatoes in crates, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 4, 1921, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$100.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9446. Misbranding of Stafford Mineral Springs Water. U. S. * * * v. 2,000 Gallons of Stafford Mineral Springs Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13724. I. S. No. 2310-t. S. No. C-2522.)

On or about August 28, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture,

filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2,000 gallons of Stafford Mineral Water, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Stafford Springs Co., Inc., Vossburg, Miss., on or about July 10, 1920, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was not radioactive and that the mineral matter dissolved in the water consisted chiefly of calcium bicarbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the statement in the circular accompanying the article, "Stafford Water is Radio Active," regarding the article and the ingredients and substances contained therein, was false and misleading. Misbranding was alleged in substance for the further reason that the following statements, appearing in the leaflets and circulars accompanying the article, regarding its curative and therapeutic effects, to wit, (blue leaflet) "Kidney Trouble And Stafford Water Mankind's Most Serious Illness And Nature's Greatest Aid * * * Kidney trouble once having been detected, the next thing is to learn what is best to do in order that the trouble may be corrected and normal health restored. * * * Stafford Water * * * acts directly upon the kidneys and stimulates them to increased activity. * * * whatever the cause may be, Stafford Water has proven to be the greatest treatment yet known. * * * Aside from the water being effective in the treatment of pronounced kidney trouble, it is a wonderful aid in ridding the body of toxins during long periods of illness and confinement. Typhoid fever, malaria fever, la grippe, scarlet fever and dozens of other common ailments produce an immense amount of poisons in the body which can be eliminated only by the kidneys. * * * Where Stafford Water is used the toxins are carried away as fast as they form, thus preventing them from accumulating in the body, weakening and lessening vitality and endangering life. * * *, (white circular) "It has been shown that Radio Emmanations are very effective in Gout, Rheumatism, Sclerosis of the Arteries, * * * This has perhaps been no uncertain factor in producing the many cures of Nephritis and other Kidney troubles credited to the Stafford Mineral Water. * * * Because of my high opinion of this water in Nephritis, * * * I feel sure that in cases of Nephritis, particularly of a chronic character, this water will always produce beneficial results. * * * I Have Had Bright's disease for 17 years and it is the best medicine I have ever found. * * * In The Different Forms of Nephritis, it is almost a panacea. * * * I Have Prescribed Stafford Water extensively in cases of Nephritis, both acute and chronic, and the results are simply marvelous. I do not know just how many cures I have effected. * * * About Three Years Ago I developed acute Bright's disease which ran into chronic. * * * I began drinking Stafford Water, and today I am as well as a man who never had the trouble at all. * * * For The Past five years I have prescribed your Stafford Water for all my cases of Gout, Rheumatism, Nephritis, etc. etc., * * * Stafford Water is as nearly a specific for the different forms of kidney trouble as anything I have ever found. * * * I Write This as an act of Justice, and to convince those who suffer needlessly from Diabetis, that this remarkable water will relieve them. * * * Some Three Months Ago my wife had an attack by Inflammation of the Bladder. * * * Stafford Water was tried. The Water saved her life * * * Several Years Ago I found myself suffering from an excess of uric acid with a marked condition of gravel * * * commenced using

Stafford Water, with the result of establishing a perfect cure in a very short time. * * * I Have Prescribed Stafford Water for Diabetis in many cases and have never been disappointed in one case yet. One case of thirteen years' standing was completely cured. * * * I * * * can heartily recommend the water to anyone suffering from kidney trouble. * * * I Have Cured cases of pronounced Bright's disease by its use, not only cases where albumen appears in the urine alone, but where attended by the presence of granular and hyaline casts, diminished specific gravity, and a quantity of urine solids. * * * under its use I have seen the albumen disappear, and then, I have seen the tube casts disappear and patient apparently get well. In Bright's disease I find the Stafford Mineral Spring Water to be curative * * *, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 22, 1921, the Stafford Springs Co., Inc., Vossburg, Miss., having entered an appearance as claimant for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be "dumped" by the United States marshal, and that the bottles which had contained the article be returned to the said claimant.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9447. Misbranding of Allans Compound Extract of Damiana. U. S. * * * v. 19 Bottles of Allans Compound Extract of Damiana. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14586. I. S. No. 1654-t. S. No. C-2837.)

On or about March 10, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 bottles of Allans Compound Extract of Damiana, remaining in the original unbroken packages at New Iberia, La., alleging that the article had been shipped on or about September 1, 1920, by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution containing essentially strychnine, bitter plant extractives, sugar, water, and 15.37 per cent by volume of alcohol.

Misbranding of the article was alleged in the libel for the reason that it contained alcohol, and its package failed to bear a statement on the label of the quantity or proportion of alcohol. It was alleged in substance in the libel that the article was misbranded for the further reason that the following statements, designs, and devices regarding the curative and therapeutic effect of the article, (bottle and carton) * * * A Tonic For Both Sex * * *, (carton) * * * Nerve and Brain Remedy * * * For Hysteria, Dizziness, Convulsions, Nervous Prostration, * * * General Weakness * * * In Nervous Debility" (design or device of male figure holding to his lips left hand of female figure, with his right arm at her back, his right hand resting on her shoulder, holding her right hand), were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9448. Adulteration and misbranding of prepared mustard. U. S. * * * v. 28 Cases * * * of Prepared Mustard. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 14596. I. S. Nos. 10224-t, 10198-t. S. No. W-881.)

On March 11, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 28 cases, each containing two dozen 8-ounce bottles, of prepared mustard, consigned by the Kondit Co., Chicago, Ill., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about December 13, 1920, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed with the mustard so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for prepared mustard.

Misbranding was alleged for the reason that the statement borne by the label on each bottle, to wit, "Prepared Mustard," was false and misleading and was calculated to deceive and mislead the purchaser.

On April 20, 1921, Logan Wallace, claimant of the article, having admitted all the material allegations of the libel, it was found by the court that all the material allegations in the libel were true, but it appearing to the court that the containers of the article might be returned to the claimant without violating the law, provided the article of food was destroyed, it was ordered by the court that the product be delivered to said claimant upon payment of all costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the product be returned to Chicago, Ill., and there be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9449. Adulteration and misbranding of pinkroot. U. S. * * * v. 1 Bale of Pink Root. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14820. I. S. No. 7873-t. S. No. E-3324.)

On April 20, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one bale of pinkroot, so-called, remaining in the original unbroken package at Philadelphia, Pa., consigned by H. R. Lathrop & Co., Inc., New York, N. Y., alleging that the article had been shipped on or about March 8, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 90 per cent of rhizomes and roots of *Ruellia ciliosa*.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, or purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation.

Misbranding was alleged for the reason that the statement borne on the package, to wit, "Pink Root," was false and misleading, and for the further

reason that said article was an imitation of, and was offered for sale under the name of, another article.

On May 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9450. Misbranding of cottonseed meal. U. S. * * * v. Robert C. Bonham (Alvarado Cotton Oil Mill). Plea of guilty. Fine, \$25. (F. & D. No. 8678. I. S. Nos. 19733-m, 19859-m.)

On May 2, 1918, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert C. Bonham, trading as Alvarado Cotton Oil Mill, Alvarado, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 20, 1916, and January 11, 1917, from the State of Texas into the States of Kansas and Kentucky, respectively, of quantities of cottonseed meal which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product contained less protein and more fiber than declared in the labels.

Misbranding of the article was alleged in substance in the information for the reason that the respective statements, "Crude Protein 43 to 45% * * * Crude Fiber not more than 10%," and "Protein 43 to 45% * * * Fibre 8 to 11%," with respect to the product involved in the shipment of December 20, 1916, into Kansas, and the respective statements, "Protein 43.00 per cent * * * Crude Fiber 12.00 per cent," and "Protein 45.00 per cent * * * Crude Fiber 12.00 per cent," with respect to the product involved in the shipment of January 11, 1917, into Kentucky, borne on the labels of the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 43 per cent of protein and not more than 11 per cent or 12 per cent, as the case might be, of fiber, and for the further reason that the article was labeled and branded as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and not more than 11 per cent or 12 per cent, as the case might be, of crude fiber, whereas, in truth and in fact, it contained a less amount of protein and a greater amount of crude fiber than so stated, to wit, approximately 36 per cent and 37.5 per cent, respectively, of protein, and approximately 13 per cent and 13.4 per cent, respectively, of crude fiber.

On June 20, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

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| dressing. <i>See</i> Dressing. | |
| Nerve tonic: | |
| Palestine Drug Co. 9422 | |
| Noodles, egg: | |
| Meier, John J., & Co. 9408 | |
| Oil, olive: | |
| Crisafulli Bros. 9436 | |
| Olive oil. <i>See</i> Oil. | |
| Orange crush: | |
| Orange Crush Co. 9430 | |
| Parry's vegetable compound: | |
| Parry Medicine Co. 9435 | |

| N. J. No. | N. J. No. |
|--|-----------------------------------|
| Phosphorets, Krause's: | Tablets, acetylsalicylic acid: |
| Lichty, Norman, Mfg. Co. 9413 | Verandah Chemical Co. 9420 |
| Pie filling, lemon: | Sextone: |
| Gumpert, S., & Co. 9426 | Palestine Drug Co. 9443 |
| Pills, emmenagogue: | Tankage. <i>See</i> Feed. |
| Palestine Drug Co. 9422 | Thomas' emmenagogue pills: |
| Pinkroot: | Palestine Drug Co. 9422 |
| Lathrop, H. R., & Co. 9449 | Tomato catsup: |
| Polk's catsup: | Polk, J. T., Co. 9419, 9428 |
| Polk, J. T., Co. 9419 | Sterling Products Co. 9418 |
| Port wine punch. <i>See</i> Punch. | Tomatoes: |
| Pratts cow remedy: | California Vegetable Union 9445 |
| Pratt Food Co. 9437 | Tratamiento Zendejas: |
| Punch, Elberta: | Zendejas, Panfilo. *9433 |
| Lyons Bros. Co. 9405 | Vegetable compound: |
| muscadine: | Parry Medicine Co. 9435 |
| Lyons Bros. Co. 9405 | Vinegar: |
| port wine: | _____. 9421 |
| Lyons Bros. Co. 9405 | Jewett, F. E., & Co. 9441 |
| Red grape beverage. <i>See</i> Grape beverage. | National Vinegar Co. 9423 |
| Salmon. <i>See</i> Fish. | Water, mineral springs: |
| Screenings. <i>See</i> Feed. | Stafford Springs Co. 9446 |
| Sextone tablets. <i>See</i> Tablets. | Waukesha: |
| Sirop D'Anis: | Anderson, Wm. H. 9414 |
| Gauvin, J. A. E. 9432 | Waukesha water. <i>See</i> Water. |
| Snappy apple beverage: | Wheat middlings and screenings. |
| Red Cross Mfg. Co. 9424 | <i>See</i> Feed. |
| Stafford mineral springs water: | Zendejas Tratamiento: |
| Stafford Springs Co. 9446 | Zendejas, Panfilo. *9433 |

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 9451-9500.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 19, 1921.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

9451. Adulteration and misbranding of saccharin. U. S. * * * v. 9 Pounds of Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9370. I. S. No. 15621-r. S. No. E-1127.)

On October 3, 1918, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can containing 9 pounds of saccharin, remaining in the original unbroken package at Fredericksburg, Va., alleging that the article had been shipped during August, 1918, by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 48 per cent of sugar.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of the investigation, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged in substance for the reason that the package and the label thereon bore the following statements, and numerous other statements, which statements were false and fraudulent [misleading], "Soluble Saccharine 500 Soluble in cold water. W. B. Wood Mfg. Co., St. Louis, Mo. The House of Quality. Quality guaranteed W. B. Wood Mfg. Co., Manufacturing Chemists, St. Louis, Mo. This may be used by dissolving 1 pound of saccharine in 1 gallon of water then each one ounce of this solution is equal in sweetening power to about 4 lbs. of sugar. W. B. Wood Mfg. Co. Manufacturing Chemists, St. Louis, Mo." in that the labeling "Soluble Saccharine"

was false and misleading, and for the further reason that the article was an imitation of, and offered for sale under the name of, another article.

On January 8, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9452. Misbranding of Grim's Bright Eye Water. U. S. * * * v. Louis D. Barth (L. D. Barth Medicine Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 10115. I. S. No. 9622-p.)

On July 18, 1919, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis D. Barth, trading as the L. D. Barth Medicine Co., Fairfield, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 23, 1918, from the State of Illinois into the State of Missouri, of a quantity of Grim's Bright Eye Water which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a dilute solution of copper sulphate in rose water.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices, regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons containing the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for granulated, sore, weak, and inflamed eyes, and for "scrofulous," and effective to brighten the eyes, when, in truth and in fact, it was not.

On November 16, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9453. Misbranding of Buckhorn mineral water. U. S. * * * v. 160 Half-Gallon Bottles and 7 Five-Gallon Bottles of Buckhorn Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10851. I. S. No. 15843-r. S. No. E-1563.)

On July 21, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 160 half-gallon bottles and 7 five-gallon bottles of Buckhorn mineral water, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Buckhorn Lithia Water Co., Bullock, N. C., on or about May 10, 1919, and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the water was of ordinary composition.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, appearing upon the labels of the bottles containing the said article, regarding the curative and therapeutic effects thereof, "Buckhorn Mineral Water * * * Catarrh of Stomach And Bowels, Constipation And Indigestion. * * * Uric Acid Troubles, * * * Stone In Bladder, Pain In Urinating * * * Kidney And Bladder Troubles, Rheumatism And Gout. It Is Recommended For Women During Period of

Gestation. * * *, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On February 3, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9454. Misbranding of cottonseed cake. U. S. * * * v. International Vegetable Oil Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 12001. I. S. Nos. 10874-r, 10875-r.)

On April 19, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the International Vegetable Oil Co., a corporation, having a place of business at Dallas, Tex., alleging shipment by the said company, in violation of the Food and Drugs Act, on or about November 19 and 25, 1918, respectively, from the State of Texas into the State of Kansas, of quantities of cottonseed cake which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

| | Shipment of Nov. 19. | Shipment of Nov. 25. |
|--------------------------------|-------------------------|-------------------------|
| | Per cent. | Per cent. |
| Ether-extract (crude fat)..... | 5.61 | 5.86 |
| Crude fiber..... | 13.65 | 14.50 |
| Crude protein..... | 38.60 | 38.33 |

Misbranding of the article was alleged in the information for the reason that the following statements, to wit, "Protein, not less than 41% Oil or Fat, not less than 6% Crude Fiber, not more than 12%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 41 per cent of protein, not less than 6 per cent of oil or fat, and not more than 12 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, not less than 6 per cent of oil or fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, the said article did contain less than 41 per cent of protein, less than 6 per cent of oil or fat, and more than 12 per cent of crude fiber.

On June 20, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9455. Adulteration and misbranding of henbane herb. U. S. * * * v. J. L. Hopkins Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 12374. I. S. No. 16379-r.)

On July 2, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the J. L. Hopkins Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 1, 1919, from

the State of New York into the State of South Carolina, of a quantity of henbane herb which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was deficient in alkaloids and contained an excessive amount of ash.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by tests laid down in said Pharmacopœia, official at the time of the investigation, in that the said Pharmacopœia provided that henbane herb should yield not less than 0.065 per cent of alkaloids of *hyoscyamus* and should yield not more than 30 per cent of ash, whereas the said article yielded 0.032 per cent of alkaloids of *hyoscyamus* and 39.71 per cent of ash, and the standard of the strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Henbane Herb U. S. P. 27.7% Ash * * * 0.0735 per cent of mydriatic alkaloids," borne on the label attached to the box containing the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was henbane herb which conformed to the standard as laid down in the United States Pharmacopœia, that it contained not more than 27.7 per cent of ash and not less than 0.0735 per cent of mydriatic alkaloids, and for the further reason that the strength and purity of the said article fell below the professed standard and quality under which it was sold in that it was sold as henbane herb which conformed to the standard as laid down in the United States Pharmacopœia and as an article which contained 27.7 per cent of ash and 0.0735 per cent of mydriatic alkaloids, whereas, in truth and in fact, it did not conform to the standard as laid down in the United States Pharmacopœia and contained more than 27.7 per cent of ash and less than 0.0735 per cent of mydriatic alkaloids.

On January 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9456. Adulteration of tomato pulp. U. S. * * * v. 99 Cases of Tomato Pulp * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12497. I. S. No. 8599-r. S. No. C-1933.)

On May 14, 1920, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 99 cases, more or less, each containing six cans of tomato pulp, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about April 1, 1920, by the Morgan Packing Co., Austin, Ind., and transported from the State of Indiana into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. Each of the cans was labeled in part: "Leota Brand Tomato Pulp * * * Leota Canning Co., Leota, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On August 12, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9457. Misbranding of dairy feed. U. S. * * * v. Hales & Edwards Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 13163. I. S. No. 11074-r.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hales & Edwards Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 23, 1919, from the State of Illinois into the State of Michigan, of a quantity of dairy feed which was misbranded. The article was labeled in part: "Gold Flake Dairy Feed * * * Guaranteed Analysis Protein 16% Fat 3½% Crude Fiber 15% Carbohydrates 50% * * * Sole Manufacturers Hales & Edwards Co. Chicago, Ill. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 12.72 per cent of protein, 18.40 per cent of fiber, and 3.10 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Protein 16% Crude Fiber 15% Fat 3½%," borne on the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 16 per cent of protein, not more than 15 per cent of crude fiber, and not less than 3½ per cent of fat, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, not more than 15 per cent of crude fiber, and not less than 3½ per cent of fat, whereas, in truth and in fact, it contained less than 16 per cent of protein, more than 15 per cent of crude fiber, and less than 3½ per cent of fat, to wit, approximately 12.72 per cent of protein, 18.40 per cent of crude fiber, and 3.10 per cent of fat.

On March 30, 1921, a plea of guilty was entered on behalf of the defendant company, and on July 1, 1921, the court imposed a fine of \$100 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9458. Misbranding of Black Diamond Oil. U. S. * * * v. Frank A. Goodwin (Dr. F. A. Goodwin). Plea of guilty. Fine, \$100. (F. & D. No. 13170. I. S. No. 8138-r.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank A. Goodwin, trading as Dr. F. A. Goodwin, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 27, 1920, from the State of Illinois into the State of Missouri, of a quantity of Black Diamond Oil which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of a light petroleum product, cottonseed oil, tar, and a small amount of capsicum.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the article and in wrappers accompanying the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for pneumonia, colds, sore throat, cough, la grippe, croup, colic, diarrhea, cramps, ear-ache, rheumatism, neuralgia, deafness, sciatica, lumbago, headache, inflammatory rheumatism, piles, and gout, when, in truth and in fact, it was not.

On April 2, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9459. Misbranding of Madame Dean female pills. U. S. * * * v. One Dozen Packages and 15 Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13266, 13548. Inv. Nos. 18313, 9069. S. Nos. C-2147, C-2417.)

On August 17 and 31, 1920, respectively, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1 dozen packages and 15 packages of Madame Dean female pills, at San Antonio and Waco, Tex., respectively, alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about September 7 and May 21, 1919, respectively, and transported from the State of Pennsylvania into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of quinine, aloes, ferrous sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, appearing on the carton containing the said article and in the accompanying circulars, regarding the curative and therapeutic effect thereof, to wit, (carton) " * * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation," (circulars) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual * * * periods. * * * strengthen and build up the uterine function. * * * assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache * * * for suppressed Menstruation * * * continue their use until relieved * * * take * * * until the menstrual flow commences again," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 29 and November 31, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9460. Adulteration of rice. U. S. * * * v. 300 Bags of Rice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13679. I. S. No. 3418-t. S. No. C-2495.)

On September 10, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and con-

demnation of 300 bags of rice, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Orange Rice Mill Co., Orange, Tex., on or about August 5, 1920, and transported from the State of Texas into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On September 29, 1920, the Orange Rice Mill Co., Orange, Tex., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be renovated so as to comply with the provisions of the Food and Drugs Act.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9461. Misbranding of cottonseed cake. U. S. * * * v. Southland Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 13886. I. S. Nos. 18813-r, 24802-r.)

On January 5, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southland Cotton Oil Co., a corporation, having a place of business at Wynnewood, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 16 and March 1, 1920, respectively, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed cake which was misbranded.

Examination of samples of both consignments by an official of the State of Kansas showed an average shortage in weight of 5.06 per cent and 3.97 per cent, respectively, on 30 sacks from each shipment.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds Net," borne on the tags attached to the sacks containing the article, regarding the article, was false and misleading in that it represented that each of said sacks contained 100 pounds net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net thereof, whereas, in truth and in fact, each of the said sacks contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 2, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9462. Misbranding of Dr. Goodwin's Herbal Compound. U. S. * * * v. Frank A. Goodwin (Dr. F. A. Goodwin). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 13909. I. S. No. 8137-r.)

On February 7, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank A. Goodwin, trading as Dr. F. A. Goodwin, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 27, 1920, from the State of Illinois into the State of

Missouri, of a quantity of Dr. Goodwin's Herbal Compound which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a light-brown mixture of powdered plant material, containing chiefly senna, fennel, uva ursi, and unidentified plant extractives.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the packages containing the article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for ailments, disorders, and diseases of the stomach, liver, kidneys, nerves, bowels, bladder, and the blood, and as a treatment, remedy, and cure for rheumatism, chills and fever, all kinds of chills, all kinds of fevers, catarrh, and for all mucous discharges and inflamed mucous membranes or surfaces in the human body, when, in truth and in fact, it was not.

On April 2, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9463. Adulteration and misbranding of Jewel Brand lemon flavor pie filling compound. U. S. * * * v. 64 Packages of Jewel Brand Lemon Flavor Pie Filling Compound. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14187. I. S. No. 2319-t. S. No. C-2664.)

On January 12, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 64 packages of Jewel Brand lemon flavor pie filling compound, remaining unsold in the original unbroken cases at St. Louis, Mo., alleging that the article had been shipped by the Jewel Tea Co., Inc., Chicago, Ill., on or about September 23, 1920, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "* * * Jewel Brand Lemon Flavor Pie Filling Compound * * * Jewel Tea Co., Inc., Headquarters New York, New Orleans, Chicago, San Francisco. * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted of cornstarch, sugar, gelatin, and citric acid, and contained no eggs, and for the further reason that it was so mixed and colored that damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the above-quoted labeling was false and misleading and deceived and misled the purchaser.

On May 9, 1921, the Jewel Tea Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product be relabeled so as to show the true nature of its contents.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9464. Adulteration and misbranding of egg noodles. U. S. * * * v. Guiseppe Craco (Queen City Macaroni Mfg. Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 14325. I. S. No. 3714-r.)

On May 3, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Guiseppe Craco,

trading as the Queen City Macaroni Mfg. Co., Denver, Colo., alleging the shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 19, 1920, from the State of Colorado into the State of New Mexico, of a quantity of an article labeled in part, "Golden West Brand High Grade Egg Noodles," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that little or no egg was present in the article and 4 packages averaged 4.8 ounces each, net weight.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an alimentary paste containing little or no egg, had been substituted wholly or in part for egg noodles, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Egg Noodles," and "Net Weight 6 Oz.," borne on a portion of the cartons containing the article, and the statements, to wit, "Egg Noodles," and "Net Weight 7 Oz.," not corrected by the statement in inconspicuous type "5 Oz. Net," borne on a number of the cartons, regarding the article and the ingredients and substances contained therein, were false and misleading in that they alleged that the article consisted wholly of egg noodles, and that a number of the cartons contained 6 ounces net of the article, and that a number of the cartons contained 7 ounces net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of egg noodles, that a number of the cartons contained 6 ounces net of the article, and that a number of the cartons contained 7 ounces net of the article, whereas, in truth and in fact, the article did not consist wholly of egg noodles, but did consist in whole or in part of an alimentary paste which contained little or no egg, and a number of the cartons did not contain 6 ounces net or 7 ounces net of the article, but did contain a less amount, and for the further reason that said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 1, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9465. Adulteration of shell eggs. U. S. * * * v. Joseph W. Scott (Scott Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14512. I. S. No. 340-t.)

On May 11, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph W. Scott, trading as the Scott Produce Co., Waynoka, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the three cases involved in the shipment showed 224, or 20.7 per cent, inedible eggs, consisting of mixed or white rots, moldy eggs, spot rots, heavy blood rings, blood rots, chick rots, and one red rot.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 13, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9466. Adulteration of shell eggs. U. S. * * * v. Jesse J. Tucker and Roby A. Huffman (Canton Produce Co.). Pleas of guilty. Fines, \$50. (F. & D. No. 14561. I. S. No. 329-t.)

On May 11, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jesse J. Tucker and Roby A. Huffman, trading as the Canton Produce Co., Canton, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 8, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination of the 360 eggs contained in the consignment by the Bureau of Chemistry of this department showed the presence of 60, or 16.66 per cent, inedible eggs, consisting of mixed or white rots, soured rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 23, 1921, the defendants entered pleas of guilty to the information, and the court imposed fines of \$25 each.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9467. Adulteration and misbranding of Bakers' Whip. U. S. * * * v. 7 Pounds of Bakers' Whip. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14718. I. S. No. 4484-t. S. No. C-2961.)

On April 11, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 pounds of Bakers' Whip, at Austin, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 10, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance consisting of a mixture of starch, gum, and baking-powder ingredients, artificially colored, and containing no egg albumen had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly for the said article. Adulteration was alleged in substance for the further reason that the article was colored and stained in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the following statements and claims appearing on each of the cans containing the article, to wit, "Bakers' Whip An Egg Substitute Saves Time Saves Money If you are looking for something to use in place of Eggs, this is it. There Is No Other. Each one pound of Bakers' Whip is equal in strength to 50 Eggs, and should be used in like proportion. * * * each one-fourth lb. of Bakers' Whip is equal to about 13 eggs, * * * Manufactured exclusively by W. B. Wood Mfg. Co. * * * St. Louis, Mo.," were false and misleading in that the contents of the cans on which the above-quoted statements appeared were not equal in strength to 50 eggs, that one-fourth pound thereof was not equal to about 13 eggs, that it was not an egg substitute and was not capable of being used in place of eggs, and that in the manner and form as above set forth the said article was labeled and branded so as to deceive and mislead the purchaser thereof.

On June 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9468. Misbranding of Dubois Specific Pills. U. S. * * * v. 8½ Dozen Packages of Dubois Specific Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14794. I. S. No. 10648-t. S. No. W-911.)

On April 18, 1921, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8½ dozen packages of Dubois Specific Pills, remaining in the original unbroken packages at Spokane, Wash., consigned by W. J. Baumgartner, Detroit, Mich., alleging that the article had been shipped on or about March 28, 1921, and transported from the State of Michigan into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Dubois Pills, which are purely vegetable * * * Reliable female tonic and regulator * * * a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of Dubois Pills * * * Female tonic exerting helpful, medicinal action over the female organs * * * of utmost value in assisting in the relieving of pains due to leucorrhea, etc., and regulating the menses * * * Suppressed menstruation, painful menstruation * * * for leucorrhea * * * In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure * * * When the period is irregular."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes, ferrous sulphate, calcium carbonate, and sugar.

It was alleged in substance in the libel that the article was misbranded for the reason that the statement in the label that the said pills were "purely vegetable" was false and misleading and deceived and misled the purchaser in that the said article consisted chiefly of aloes, iron sulphate, calcium carbonate, and sugar. Misbranding was alleged in substance for the further reason that the article did not have the curative and therapeutic effects claimed for it, and the above-quoted statements appearing in the labels and circulars were false and fraudulent in that it contained no ingredient or combination of ingredients capable of curing the diseases and ailments for which it was claimed the said article was a specific and remedy.

On June 17, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9469. Adulteration and misbranding of prepared mustard. U. S. * * * v. 7½ Cases * * * of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14854. I. S. No. 3236-t. S. No. C-3052.)

On May 5, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7½ cases of prepared mustard, at Decatur, Ill., alleging that

the article had been shipped by the Southern Mfg. Co., St. Louis, Mo., on or about December 18, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged in substance for the reason that the statement "Prepared Mustard," appearing in the label on the jug containing the article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On July 5, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9470. Adulteration and misbranding of saccharin. U. S. * * * v. 5 Pounds of Saccharin. Default decree ordering destruction of product. (F. & D. No. 9366. I. S. No. 15620-r. S. No. E-1125.)

On October 1, 1918, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one can containing 5 pounds of saccharin, remaining in the original unbroken package at Portsmouth, Va., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about August 16, 1918, and transported from the State of Missouri into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture containing soluble saccharin and 60 per cent of sugar.

Adulteration of the article was alleged in substance in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of the investigation, in that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged in substance for the reason that the labels of the article bore the following statements, "Soluble Saccharine 500 Soluble in cold water. * * * Quality guaranteed W. B. Wood Mfg. Co. Manufacturing Chemists, St. Louis, Mo. This may be used by dissolving 1 pound of saccharine in 1 gallon of water then each one ounce of this solution is equal in sweetening power to about 4 lbs. of sugar. * * *," which statements and the labeling, "Soluble Saccharine," were false and misleading, and for the further reason that the said article was an imitation of, and was offered for sale under the name of, another article.

On July 12, 1921, no claimant having appeared for the property, judgment was entered ordering the destruction of the product by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9471. Adulteration and misbranding of cocoa. U. S. * * * v. 51 Boxes of $\frac{1}{2}$ -Pound Packages and 180 Boxes of $\frac{1}{4}$ -Pound Packages of * * * My Own Pure Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10743. I. S. No. 6504-r. S. No. C-1351.)

On July 7, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 51 boxes, each containing twenty-four $\frac{1}{2}$ -pound cartons, and 180 boxes, each containing sixty $\frac{1}{4}$ -pound cartons, of My Own Pure Cocoa, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the National Cocoa Mills, New York, N. Y., on or about March 15, 1919, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "My Own Pure Cocoa. Net weight $\frac{1}{2}$ Lb." (or " $\frac{1}{4}$ Lb.") * * * The Cocoa contained in this package is Positively High Grade and guaranteed by the manufacturers to comply with all Federal and State Food Laws. It is a breakfast cocoa of Superior Quality and Excellence * * * Absolutely Pure No Alkalies No Chemicals * * *," (inconspicuously stamped on side panel) "My Own Cocoa Compound Containing Cocoa, Sugar, Corn Starch."

Adulteration of the article was alleged in substance in the libel for the reason that substances, to wit, starch and sugar, had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its inferiority to genuine cocoa was concealed.

Misbranding was alleged in substance for the reason that the statement, "My Own Pure Cocoa," appearing on the label of the retail packages containing the article, and not sufficiently corrected by the inconspicuous statement, "My Own Cocoa Compound Containing Cocoa, Sugar, Corn Starch," was false and misleading and deceived and misled the purchasers. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the article was food in package form, and the contents were not plainly and conspicuously marked on the outside of the packages.

An August 31, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9472. Adulteration and misbranding of tuna fish. U. S. * * * v. 1,000 Cases * * * of Tuna Fish. Decree entered permitting product to be released under bond for relabeling. (F. & D. No. 11527. I. S. No. 14615-r. S. No. E-1858.)

On November 26, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases, each containing 4 dozen cans, of tuna fish, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Curtis Corp., Long Beach, Calif., on or about September 12, 1919, and transported from the State of

California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that blue fin tuna had been mixed and packed with, and substituted wholly or in part for, white meat tuna, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, white tuna fish with salad oil. Misbranding was alleged in substance for the further reason that the packages containing the article and the labels thereon bore statements, designs, and devices regarding the said article, to wit, " * * * California Tuna Fish * * * Tuna Fish * * * Curtis Quality Tuna Fish * * * Selected and Graded To A Superior Standard. This Can Contains No Added Ingredients Other Than the Highest Quality Salad Oil * * * White Meat Only * * *," which were false and misleading and deceived and misled the purchaser.

On April 28, 1921, William T. Mills & Co., Inc., New York, N. Y., having entered an appearance as claimant for the property, judgment was entered ordering that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the article be relabeled, under the supervision of this department, with labels correctly describing the same.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9473. Adulteration and misbranding of cider. U. S. * * * v. Wayne County Produce Co., a Corporation. Plea of non vult. Fine, \$25. (F. & D. No. 11954. I. S. Nos. 16207-r, 16140-r, 13342-r.)

On April 28, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wayne County Produce Co., a corporation, Greenpoint, Long Island (Brooklyn, N. Y.), alleging shipment by said company, in violation of the Food and Drugs Act, from the State of New York, on or about September 14 and December 2, 1918, respectively, into the State of Georgia, and on or about December 12, 1918, into the State of Pennsylvania, of quantities of sweet cider which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained salicylic acid.

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous or deleterious ingredient, to wit, salicylic acid, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the respective statements, "Sweet Cider Preserved with Benzoate Soda," or "Preserved with 1/10 of 1 per cent of Benzoate of Soda," borne on the barrels or bottles containing the said article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was sweet cider preserved with benzoate of soda, whereas, in truth and in fact, it was not, but was a product which contained an added poisonous and deleterious ingredient, to wit, salicylic acid. Misbranding was alleged with respect to the product involved in the consignment of December 12, into Pennsylvania, for the further reason that it was labeled, "Sweet Cider Preserved With Benzoate Soda," so as to deceive and mislead the purchaser into the belief that it was sweet cider preserved with benzoate of soda, whereas, in truth and in fact,

it was not, but was a product which contained an added poisonous and deleterious ingredient, to wit, salicylic acid.

On January 5, 1921, a plea of non vult was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9474. Misbranding of cottonseed meal and cottonseed cake. U. S. * * * v. Charles A. Alling (Forrest City Cotton Oil Co.). Plea of guilty. Fine, \$75 and costs. (F. & D. No. 12481. I. S. Nos. 12008-r, 12009-r, 12010-r.)

On October 29, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles A. Alling, trading as the Forrest City Cotton Oil Co., Forrest City, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Arkansas into the State of Kansas, on or about June 13, 1919, of quantities of cottonseed meal and cottonseed cake, and on or about June 16, 1919, of a quantity of cottonseed cake, which articles were misbranded.

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9475. Misbranding of Marigold mince pie filling. U. S. * * * v. Best-Clymer Mfg. Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 12797. I. S. No. 7871-r.)

On November 15, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Best-Clymer Mfg. Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 11, 1919, from the State of Missouri into the State of Ohio, of a quantity of mince pie filling which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 31.9 per cent of glucose.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Mince Pie Filling * * * Fruit, Granulated Sugar, Refiners' Syrup, With Spices, Vinegar and Salt," borne on the labels attached to the barrels containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was a product consisting wholly of fruit, granulated sugar, refiner's syrup, spices, vinegar, and salt, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product which consisted wholly of fruit, granulated sugar, refiner's syrup, spices, vinegar, and salt, whereas, in truth and in fact, it did not so consist but did consist in part of glucose.

On May 6, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9476. Misbranding of pears. U. S. * * * v. Robert L. Rich. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 13168. I. S. No. 7742-r.)

On December 20, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert L. Rich, Cobden, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about September 19, 1919, from the State of Illinois into the State of Minnesota, of a quantity of pears which were misbranded. The article was not labeled.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 11, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9477. Adulteration of evaporated apples. U. S. * * * v. J. W. Teasdale & Co., a Corporation. Plea of guilty. Fine, \$275 and costs. (F. & D. No. 13180. I. S. Nos. 17480-r, 613-r, 7758-r, 8276-r, 8473-r, 8767-r, 8879-r, 8889-r, 10626-r, 10627-r, 8883-r.)

On December 29, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. W. Teasdale & Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 15, 1920, November 29, December 30, and December 4, 1919, and January 28, 1920, from the State of Missouri into the States of Georgia, Indiana, Arkansas, Kansas, and West Virginia, respectively, on or about December 2, 1919, and January 17, 24, and 30, 1920, respectively, from the State of Missouri into the State of Minnesota, and on or about January 13 and 31, 1920, respectively, from the State of Missouri into the State of Illinois, of quantities of evaporated apples which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the apples contained excessive moisture.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for evaporated apples, which the article purported to be.

On May 23, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$275 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9478. Misbranding of hog feed. U. S. * * * v. 426 Bags of * * * Economy "Special" Hog Feed * * *. Default decree condemning the product as misbranded and permitting its release under bond. (F. & D. No. 13712. I. S. No. 11555-t. S. No. C-2512.)

On November 3, 1920, the United States attorney for the Western District of Michigan filed in the District Court of the United States for said district a libel for the seizure and condemnation of 426 bags of Economy "Special" hog feed, remaining unsold in the original unbroken packages at Augusta, Mich., alleging that the article had been shipped on or about September 2, 1920, and transported from the State of Indiana into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the article was alleged in substance in the libel for the reason that the label on the packages containing the said article bore certain statements regarding the ingredients and substances contained therein, as fol-

lows, "Economy 'Special' Hog Feed 100 lbs. Net Weight Guaranteed Analysis Protein, 12½ per cent Fat, 06 per cent Carbohydrates, 56 per cent Fibre, not over 13 per cent Contents: Old Process Linseed Oil Meal, Rice Bran, Winter Wheat Bran, Winter Wheat Middlings, Digester Tankage, Oat Shorts, Oat Middlings, Oat Hulls, Cotton Seed Meal and Hominy. Manufactured By Chas. F. Bartlett Co. Grand Rapids, Mich.," which statements were false and misleading, and the said article was labeled so as to deceive and mislead the purchaser, in that it contained more than 13 per cent of fiber, to wit, 23 per cent thereof, and less than 6 per cent of fat, to wit, 2.4 per cent less of fat, and the said article was deficient in protein to the amount of 2.5 per cent.

On May 6, 1921, the Charles F. Bartlett Co., Grand Rapids, Mich., having entered an appearance as claimant for the property and having filed an answer in which it was contended that the product was not subject to seizure because the purpose of the transportation thereof was not for sale, upon motion of the United States attorney it was ordered by the court that the said answer be stricken from the records, and a formal decree of condemnation was entered, as will more fully appear from the following opinion of the court (Sessions, *D. J.*):

This is a proceeding under section 10 of the Food and Drugs Act of 1906 to condemn 426 bags of feed owned by claimant and, under its direction, shipped and transported in interstate commerce from Milford, Ind., to Augusta, Mich. At the time of the shipment and transportation and of the seizure the feed was misbranded in that the labels upon the bags contained false and misleading statements as to percentages of its ingredients. Claimant faintly urges that such false statements in the labels did not constitute misbranding within the meaning of the act of Congress; but this insistence is so plainly without foundation as not to require discussion. Claimant was the original manufacturer of the feed in question and had sold and shipped it to one of its customers at Milford, Ind. Upon being notified that the feed did not contain the percentages of ingredients stated and set forth in the labels, claimant instructed and directed its customer to reship the feed to Augusta, Mich., in order that it might be remanufactured, or remixed, and thus made to conform to the statements in the labels. The shipment and transportation of the feed from Indiana to Michigan was not for sale. At the time the libel in this case was filed and the seizure made, the transportation of the feed in interstate commerce had been completed, but the feed still remained in the possession of claimant and in the original unbroken packages.

The principal contention of claimant is that the feed in question is not subject to seizure and forfeiture because the purpose of the transportation thereof from Indiana to Michigan was not for sale. The question thus presented was settled adversely to claimant by the Supreme Court in the case of *Hipolite Egg Co. v. United States*, 220 U. S., 45, and is not now an open one. In that case the decisions of the lower courts, upon which claimant relies, were mentioned and briefly discussed, but not approved; indeed, the result reached was a distinct disapproval. The prohibition of the statute is directed against the transportation in interstate commerce of misbranded and adulterated articles of food alike. Some of the later cases directly in point are the following: *United States v. 12 Crates of Frozen Eggs*, 208 Fed. Rep., 950; 215 Fed. Rep., 584 and 585; *Philadelphia Pickling Co. v. United States*, 202 Fed. Rep., 150; *United States v. 9 Barrels of Butter*, 241 Fed. Rep., 499; *United States v. 2 Barrels of Desiccated Eggs*, 125 Fed. Rep., 302; *United States v. 300 Cans of Frozen Eggs*, 189 Fed. Rep., 351; *Weigle v. Curtice Bros. Co.*, 248 U. S., 285-287; *Weeks v. United States*, 245 U. S., 618-622. Since the *Hipolite* case, above cited, there have been no decisions to the contrary.

The motion to strike claimant's answer from the files and for a decree of condemnation will be granted.

On the same date it was ordered by the court that upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, the product might be released to the said claimant.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9479. Adulteration and misbranding of tomatoes. U. S. * * * v. 599 Cases of Tomatoes. Judgment by consent ordering release of product under bond. (F. & D. No. 13860. I. S. No. 6456-t. S. No. E-2868.)

On November 17, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 599 cases, each containing a number of cans, of tomatoes, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by J. G. Grimmel & Son, Rocks, Md., and transported from the State of Maryland into the State of New York, and was received at Brooklyn, N. Y., on or about October 22, 1920, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with, and substituted wholly or in part for, tomatoes, which the said article purported to be.

Misbranding was alleged in substance for the reason that the labels on the cans bore the statement regarding the said article and the ingredients or substances contained therein, to wit, "Grimmel's Hand-Packed Tomatoes," together with the cut or design showing a ripe red tomato, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another and different article.

On January 12, 1921, J. G. Grimmel & Son, Rocks, Md., claimant, having consented to a decree, judgment was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that the product be relabeled, under the supervision of this department, by attaching to the cans a sticker or stickers showing the presence of added water. On January 12, 1921, the claimant having failed to comply with the terms of the decree, the goods were destroyed.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9480. Adulteration of shell eggs. U. S. * * * v. 10 Cases of Eggs * * *. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 13995. I. S. No. 3555-t. S. No. C-2549.)

On September 28, 1920, the United States attorney for the District of Minnesota filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of eggs, consigned by William Pitts, Bowdells, N. Dak., remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped from Bowdells, N. Dak., on or about September 14, 1920, and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On October 11, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal recandle the eggs, sell the edible eggs, and destroy the remainder.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9481. Misbranding of Hall's catarrh medicine. U. S. * * * v. 108 Dozen Bottles of Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14005. Inv. No. 27326. S. No. C-2603.)

On December 9, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 108 dozen bottles of Hall's catarrh medicine, remaining unsold in the original unbroken bottles at St. Louis, Mo., alleging that the article had been shipped by F. J. Cheney & Co., Toledo, Ohio, on or about November 19, 1920, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Hall's Catarrh Medicine * * *;" (bottle) "Hall's Catarrh Medicine * * * valuable in the treatment of Catarrh * * *;" (booklet) "Hall's Catarrh Medicine For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels or Bladder. * * * a Blood Purifier * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, cardamom, sugar, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent.

On June 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9482. Adulteration and misbranding of tomatoes. U. S. * * * v. 18 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14012. I. S. No. 6479-t. S. No. E-2922.)

On December 18, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 cases, each case containing a number of cans of tomatoes, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by W. M. Wright & Sons, Blanchard, Del., and transported from the State of Delaware into the State of New York, and was received at Brooklyn, N. Y., on or about September 18, 1920, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the label on the cans containing the article bore the statement regarding the said article and the ingredients or substances contained therein, to wit, "Right Brand Tomatoes," together with a design showing a ripe tomato, which were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 3, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9483. Adulteration of shell eggs. U. S. * * * v. **Joel C. Barber.** Plea of guilty. Fine, \$10 and costs. (F. & D. No. 14089. I. S. No. 3819-t.)

On March 2, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joel C. Barber, Rockwood, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 23, 1920, from the State of Illinois into the State of Missouri, of a quantity of shell eggs which were adulterated.

Examination of $\frac{1}{2}$ case of the article by the Bureau of Chemistry of this department showed 40, or 22 per cent, inedible eggs, consisting of mixed or white rots and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 11, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9484. Misbranding of Pratts Cow Remedy. U. S. * * * v. **14 Packages of Pratts Cow Remedy, et al.** Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14299, 14719, 14720, 14875, 14876, 14887, 14888. Inv. Nos. 22884, 32763, 32764, 32765, 32766, 32773, 32774. S. Nos. E-3198, E-3814, E-3815, E-3847, E-3848.)

On March 30, April 18, and April 30, 1921, respectively, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, libels for the seizure and condemnation of 82 packages of Pratts Cow Remedy, remaining in the original unbroken packages at Washington, D. C., alleging that 23 packages, 10 packages, and 14 packages of the article had been shipped by the Pratt Food Co., Philadelphia, Pa., on or about March 31, 1921, and June 14 and November 27, 1920, respectively, and transported from the State of Pennsylvania into the District of Columbia, and that 6 packages, 5 packages, 8 packages, and 16 packages, respectively, were being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Pratts Cow Remedy is a tested remedy and preventive for Contagious Abortion, Barrenness (Failure to Breed), Garget, Milk Fever * * * Barrenness * * * For Milk Fever And Garget * * * prevents retained afterbirth, * * * For Calves: For preventing or treating scours, * * * Pratts Cow Remedy will assist in rendering the bull's service more sure, particularly where contagious abortion has appeared in the herd. * * * For Accidental Or Contagious Abortion * * * To Prevent: In herds where cows have previously aborted, or in neighborhoods where disease exists, * * * Contagious Abortion * * * Retained Afterbirth * * * Pratts Cow Remedy Is A Medicinal Specific for diseases of cows. * * * preventive and remedy for cow troubles * * *." The remainder of the article was labeled in part: "For Barrenness * * * For Calves: For preventing or treating scours, * * * For Accidental Or non-contagious abortion * * * Contagious Abortion * * * Retained Afterbirth * * * Pratts Cow Remedy is a tested compound to aid in the prevention and treatment of Abor-

tion (Slinking of Calves), Barrenness (Failure to Breed), Retained After-birth. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of powdered sodium chlorid, sodium bicarbonate, Epsom salt, and smaller amounts of iron oxid, fenugreek, ginger, capsicum, nux vomica, charcoal, and bitter plant material.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, appearing in the labels on the packages containing the article, concerning the curative and therapeutic effect thereof, were false and fraudulent, and the said statements were made and applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that the said article possessed the curative and therapeutic qualities claimed for it, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing such effects.

On June 11, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9485. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Union Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14320. I. S. No. 11097-r.)

On April 4, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Cotton Oil Co., a corporation, Birmingham, Ala., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 24, 1919, from the State of Alabama into the State of Michigan, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part, "Bartlett's Farmer Brand 'Straight' Cotton Seed Meal * * * The J. E. Bartlett Company, Sales Office, Jackson, Mich., U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained peanut hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, peanut shells, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for straight cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "'Straight' Cotton Seed Meal," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of cottonseed meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal, whereas, in truth and in fact, it consisted in part of peanut shells. Misbranding was alleged for the further reason that the article was a mixture composed in part of peanut shells prepared in imitation of cottonseed meal, and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal.

On April 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9486. Misbranding of Nervosex tablets. U. S. * * * v. 9 Packages of Nervosex Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14496. I. S. No. 8463-t. S. No. E-3148.)

On February 29, 1921, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 packages of Nervosex tablets, remaining unsold in the original unbroken packages at Lynchburg, Va., alleging that the article had been shipped by the United Laboratories, East St. Louis, Ill., on or about June 24, 1920, and transported from the State of Illinois into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of iron, zinc, calcium, phosphates, phosphids, and plant extractives, including nux vomica.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the curative and therapeutic effects thereof, appearing upon the labels, "A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *," were false and fraudulent in that the said article did not contain ingredients with the curative and therapeutic effects claimed.

On July 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9487. Misbranding of Egyptian Regulator Tea. U. S. * * * v. 29 Packages of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14616. Inv. No. 25789. S. No. E-3175.)

On or about March 17, 1921, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 29 packages of Egyptian Regulator Tea, remaining unsold in the original unbroken packages at Lynchburg, Va., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., on or about February 21 [3], 1921, and transported from the State of Indiana into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of taraxacum, balmoney, cassia, coriander seed, triticum, ginger, sambucus, and glycyrrhiza.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the curative and therapeutic effects thereof, appearing upon the wrapper accompanying the said article, "* * * A Remedy For * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney Trouble * * *," were false and fraudulent in that the said article did not contain ingredients with the remedial and therapeutic effects claimed.

On July 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9488. Adulteration and misbranding of sardines and anchovies in salt.

U. S. * * * v. 231 Cases of Sardines and 150 Cases of Anchovies.
Default decree of condemnation, forfeiture, and destruction. (F. &
D. No. 14627. I. S. Nos. 1664-t, 1668-t. S. No. C-2867.)

On March 15, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 231 cases of sardines and 150 cases of anchovies, at New Orleans, La., alleging that the articles had been shipped by the Millwood Salt Fish Co., San Pedro, Calif., on or about January 21, 1920, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, "Sardines" (or "Anchovies") "in Salt * * * Packed by Sherwood Sea Food Co., San Pedro, Calif., net weight 2 lbs. 8 oz."

Adulteration of the articles was alleged in the libel for the reason that they consisted wholly or in part of a filthy and decomposed animal substance.

Misbranding was alleged for the reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9489. Adulteration and misbranding of apple butter. U. S. * * * v.
1,194 Pails * * * and 243 Pails * * * of Apple Butter. De-
fault decrees of condemnation, forfeiture, and destruction. (F. &
D. Nos. 14956, 14957. I. S. No. 505-t. S. No. C-3061.)

On May 27, 1921, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,194 pails and 243 pails, more or less, of apple butter, consigned at Chicago, Ill., in part July 15, 1920, and in part July 28, 1920, remaining unsold in the original packages at Louisville, Ky., alleging that the article had been shipped from Chicago, and transported from the State of Illinois into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 2, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9490. Adulteration and misbranding of vanilla and lemon flavors. U. S.
*** * * v. 57 Dozen Bottles * * * of Vanilla and 108 Dozen**
Bottles * * * of Lemon, 12 Dozen Bottles * * * of Vanilla
and 13 Dozen Bottles * * * of Lemon, and 25 Dozen Bottles
*** * * of Vanilla and 20 Dozen Bottles * * * of Lemon. De-**
fault decrees of condemnation, forfeiture, and destruction. (F. &
D. Nos. 11566, 11567. I. S. Nos. 8745-r, 8746-r, 8747-r, 8748-r, 8751-r,
8752-r. S. Nos. C-1647, C-1648.)

On December 24, 1919, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district libels for the seizure and condemnation of 57 dozen bottles of vanilla and 108 dozen bottles of lemon, 12 dozen bottles of vanilla and 13 dozen bottles of lemon, and 25 dozen bottles of vanilla and 20 dozen bottles of lemon flavor, remaining unsold in the original unbroken packages at Independence, Fredonia, and Iola, Kans., respectively, alleging that the articles had been shipped by the National Food Mfg. Co., St. Louis, Mo., in part on July 17, 1919, and in part on July 28, 1919, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Mother's Brand Pure Flavor of Vanilla" (or "Lemon") "Guaranteed Fine Quality. The National Food Manufacturing Company, St. Louis, U. S. A. 3/4 ounces."

Adulteration of the articles was alleged in substance in the libels for the reason that the so-called vanilla was dilute vanilla extract, and the so-called lemon was dilute terpeneless lemon flavor, and each product contained approximately one-half water, which had been mixed and packed with the said articles so as to reduce, lower, and injuriously affect their quality and strength.

Misbranding of the articles was alleged in substance for the reason that the labels were false and calculated to deceive the purchaser and induce the purchaser to believe that the said articles were pure, whereas, in truth and in fact, they were not pure vanilla flavor or pure lemon flavor.

On August 26, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9491. Adulteration and misbranding of cottonseed meal. U. S. * * *
v. Buckeye Cotton Oil Co., a Corporation. Plea of guilty. Fine,
\$50 and costs. (F. & D. No. 11621. I. S. Nos. 5746-r, 10710-r, 10713-r,
10907-r, 10906-r.)

On March 1, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 2 and 16, 1918, from the State of Tennessee into the States of Kentucky and Illinois, respectively, of quantities of Buckeye cottonseed meal, and on or about January 22, 1919, from the State of Tennessee into the State of Indiana, of a quantity of Standard cottonseed meal, which were adulterated and misbranded, and on or about February 3, 1919, from the State of Tennessee into the State of Kentucky, of a quantity of Buckeye cottonseed meal which was misbranded, and alleging that on or about January 17, 1919, F. W. Brode & Co., a corporation, shipped from the State of Tennessee into the State of Indiana a quantity of Jay Brand cottonseed meal which was adulterated and misbranded, and which theretofore had been guaranteed as complying with the provisions of the Food and Drugs Act by the Buckeye Cotton Oil Co.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the presence of from 33 per cent to 40 per cent of cottonseed hulls, and showed that they contained less protein and more fiber than declared in the labeling.

Adulteration of the articles involved in all consignments with the exception of that under date of February 3, 1919, into Kentucky, was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect

their quality and strength, and had been substituted in part for cottonseed meal, which the articles purported to be.

Misbranding was alleged in substance for the reason that the respective statements, to wit, "Protein 36% * * * Fibre 14%," "Protein 36.00 per cent * * * Crude Fibre 12.00 per cent," or "36.0 per cent of crude protein," appearing on the labels of the sacks containing the articles, were false and misleading in that they represented that the said articles contained not less than 36 per cent of protein, and that certain of the articles contained not more than 14 per cent or 12 per cent, as the case might be, of fiber, and for the further reason that the articles were so labeled as to deceive and mislead the purchaser into the belief that they contained not less than 36 per cent of protein, and that certain of the articles contained not more than 14 per cent or 12 per cent of fiber, as the case might be, whereas, in fact and in truth, the articles contained less than 36 per cent of protein, and the products involved in all consignments with the exception of that under date of January 17, 1919, into Indiana, contained more than 14 per cent or 12 per cent, as the case might be, of fiber.

On June 27, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9492. Misbranding of cottonseed cake. U. S. * * * v. **Planters Oil Co., a Corporation.** Plea of guilty. Fine, \$25 and costs. (F. & D. No. 12348. I. S. No. 12029-r.)

On July 17, 1920, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Oil Co., a corporation, Hearne, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 13, 1919, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 41.50 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein, not less than 43%," borne on the tags attached to the sacks containing the article, was false and misleading in that it represented to purchasers of the said article that it contained not less than 43 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in fact and in truth, it contained less than 43 per cent of protein, to wit, approximately 41.50 per cent.

On March 3, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9493. Misbranding of Hobo Kidney & Bladder Remedy. U. S. * * * v. **48 Bottles of Hobo Kidney & Bladder Remedy.** Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12388. I. S. No. 9681-r. S. No. C-1921.)

On May 6, 1920, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 bottles of Hobo Kidney & Bladder Remedy, at Waco, Tex., alleging that the article had been shipped by the Hobo Medicine Mfg. Co., Shreveport, La., on or about March 15, 1920, and transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the Food and

Drugs Act, as amended. The article was labeled in part: (Carton) “* * * Kidney & Bladder Remedy A Vegetable Compound Manufactured From Native Herbs * * * Bright's Disease Acute and Chronic Cystitis Renal & Vesical Pus Or Blood In Urine. Incontinence Albuminuria & Ailments Caused From Defective (Kidney & Bladder) Elimination * * * One Of The Greatest Alteratives * * * Back Ache, Persistent Head Ache, Dizziness, Forgetfulness, Weakness and Rheumatism When Caused By Disordered Kidneys, The same Being True of Inflammation Of The Bladder * * *;” (bottle) “* * * Kidney and Bladder Remedy A Vegetable Compound for the Treatment of Brights Disease, Acute and Chronic Cystitis, Renal and Vesical Pus or Blood in Urine, Incontinence and Retention, Albuminuria and all Ailments caused from Defective (Kidneys and Bladder) Elimination * * *;” (booklet) “* * * For nearly three years, Mr. G. D. Horton * * * was a sufferer from Bright's disease in its most malignant form. * * * Within three days * * * Mr. Horton was greatly improved, and within two months restored to health without any recurrence of the malady in the intervening years. * * * Mr. Horton has named the preparation Hobo Kidney and Bladder Remedy. * * * it not only gave speedy relief to all the tortures which kidney and bladder afflictions entailed, such as incontinence of urine, gravel in the bladder, irritated glands, backaches, kindred complaints, but that in many instances the cures were absolutely permanent. * * * If your case is of long standing, do not expect one or two bottles to cure you. * * * You must continue to take the medicine—a half-dozen, a dozen bottles—yes, until you feel absolutely sure every vestige of your trouble has been removed. * * *.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of plant extractives, potassium nitrate, and benzoic and salicylic acids or their salts.

It was alleged in substance in the libel that the article was misbranded in that the above-quoted claims and statements, regarding the curative effects thereof, were false and fraudulent for the reason that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9494. Misbranding of Texas Wonder. U. S. * * * v. 144 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12990. I. S. No. 1608-t. S. No. C-2005.)

On July 9, 1920, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 144 bottles of Texas Wonder, at Waco, Tex., alleging that the article had been shipped by G. Nash, St. Louis, Mo., on or about June 21, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements and claims, appearing on the carton containing the said article and in a small circular accompanying the same, regarding the curative effect thereof, (carton) “* * * A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel.

Regulates Bladder Trouble in Children. * * *, (circular headed "Read Carefully") * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved," were false and fraudulent for the reason that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9495. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Buckeye Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 13089. I. S. No. 18345-r.)

On March 19, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 16, 1918, from the State of Tennessee into the State of Maine, of a quantity of Puritan cottonseed meal which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed protein 32.63 per cent, ammonia 6.35 per cent, nitrogen 5.22 per cent, and crude fiber 16.65 per cent, and showed that it contained at least 39.5 per cent of cottonseed hulls.

Adulteration of the article was alleged in the information for the reason that cottonseed hulls had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cotton Seed Meal Guaranteed Analysis Protein, Not less than 36% * * * Ammonia, Not less than 7% Nitrogen, Not less than 5 $\frac{1}{4}$ % * * * Fibre, Not more than 15%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article consisted wholly of cottonseed meal, and that it contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, not less than 5 $\frac{1}{4}$ per cent of nitrogen, and not more than 15 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal, and that it contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, not less than 5 $\frac{1}{4}$ per cent of nitrogen, and not more than 15 per cent of fiber, whereas, in truth and in fact, it did not consist wholly of cottonseed meal, but did consist in part of an excessive amount of cottonseed hulls, and did contain less than 36 per cent of protein, less than 7 per cent of ammonia, less than 5 $\frac{1}{4}$ per cent of nitrogen, and more than 15 per cent of fiber, to wit, 32.63 per cent of protein, 6.35 per cent of ammonia, 5.22 per cent of nitrogen, and 16.65 per cent of fiber.

On June 27, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9496. Misbranding of tankage. U. S. * * * v. 200 Sacks of Tankage. Decree entered ordering case dismissed and the product released under bond. (F. & D. No. 13219. I. S. No. 3406-t. S. No. C-2080.)

On August 13, 1920, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks of tankage, remaining unsold in the original unbroken packages at Brookings, S. Dak., alleging that the article had been shipped by Jacob E. Decker & Sons, Mason City, Iowa, on or about April 8, 1920, and transported from the State of Iowa into the State of South Dakota, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 57.41 per cent of protein.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the sacks containing the article and on the tags attached to said sacks, regarding the ingredients and substances contained therein, were false and misleading in that the statement on the sacks, "Guaranteed Analysis Protein 60%," and the statement on each tag, "Decker's Protod Seal Guaranteed 60% protein," were false and untrue, since the amount of protein contained in the said article was less than 60 per cent.

On September 3, 1920, Jacob E. Decker & Sons, Mason City, Iowa, claimant, having paid the cost of the proceedings and executed a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be not sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, it was ordered by the court that the product be released to said claimant and that the proceedings be dismissed.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9497. Adulteration and misbranding of vinegar. U. S. * * * v. 29 Barrels and 407 Cases * * * of Alleged Cider Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14289. I. S. Nos. 5426-t, 5250-t. S. No. E-3124.)

On February 14, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel against 29 barrels and 407 cases of alleged cider vinegar, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Cohocton, N. Y., on or about September 24 and August 26, 1920, respectively, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, distilled vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for pure cider vinegar, which the said article purported to be. Adulteration was alleged for the further reason that distilled vinegar had been mixed with the said article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the following statements, appearing on the barrels and bottles containing the article, regarding it and the ingredients contained therein, to wit, (barrels) "Pure Cider Vinegar * * * Made From Apples," (bottles) "Steuben Brand * * * Reduced Cider Vinegar Fermented Naas Cider & Vinegar Co., Inc. * * * Net Contents One Pint" (pictorial representation of a red apple), were false and misleading in that they represented to the purchaser thereof that the article was pure cider vinegar, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure cider vinegar, whereas, in truth and in fact, it was not, but was a product composed in part of distilled vinegar. Misbranding was alleged for the further reason that the article was a product composed in part of distilled

vinegar, prepared in imitation of pure cider vinegar, and was offered for sale under the distinctive name of another article, to wit, pure cider vinegar. Misbranding was alleged with respect to the product contained in the 407 cases for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct in that the said contents were stated as one pint, whereas the average net contents were 15.5 fluid ounces, or an average shortage of 3 per cent.

On June 1, 1921, the Naas Cider & Vinegar Co., Cohocton, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9498. Adulteration of kraut. U. S. * * * v. 600 Cases * * * of Kraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14676. I. S. No. 1089-t. S. No. C-2895.)

On March 26, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, more or less, each containing 24 cans, of kraut, at Chicago, Ill., alleging that the article had been shipped by the Fremont Canning Co., Fremont, Mich., on January 12, 1921, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9499. Adulteration and misbranding of cumin seed. U. S. * * * v. 48 Pounds * * * of Comino (Cumin) Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14678. I. S. No. 3751-t. S. No. C-2897.)

On March 28, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 pounds of comino (cumin) seed, at Little Rock, Ark., consigned by J. Armengol, Laredo, Tex., alleging that the article had been shipped from Laredo, Tex., on February 21, 1921, and transported from the State of Texas into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that sand and grit had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged for the reason that the said article was offered for sale under the distinctive name of another article.

On April 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9500. Adulteration and misbranding of lemon extract, vanilla extract, and compound vanilla. U. S. * * * v. Noah Products Corp., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 11807 I. S. Nos. 16145-r, 16146-r, 16147-r.)

On October 11, 1920, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Noah Products Corp., a corporation, Richmond, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 2, 1919, from the State of Virginia into the State of South Carolina, of quantities of lemon extract, vanilla extract, and compound vanilla, which were adulterated and misbranded.

Analysis of a sample of the lemon extract by the Bureau of Chemistry of this department showed that it was a dilute alcoholic solution of citral colored with tartrazine, containing 46.29 per cent of alcohol, by volume. Analyses of samples of the vanilla extract and compound vanilla by said bureau showed that they were composed in large part of a mixture which contained no extract of vanilla, containing 8.70 per cent and 11.60 per cent, respectively, of alcohol, by volume.

Adulteration of the articles was alleged in the information for the reason that mixtures which contained no lemon extract, or extract of vanilla, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for lemon extract or extract vanilla, which the respective articles purported to be. Adulteration was alleged for the further reason that the said articles were products inferior to lemon extract or extract vanilla, to wit, products composed in large part of mixtures containing no lemon extract or extract vanilla, as the case might be, and the so-called extract lemon was colored with a certain coal-tar dye, to wit, tartrazine, and the so-called vanilla extract and compound vanilla were colored with a certain substance, to wit, caramel, so as to simulate the appearance of lemon extract or extract vanilla, as the case might be, and in a manner whereby their inferiority to lemon extract or extract vanilla was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Extract Lemon," "Alcohol 55%," "Extract Vanilla," "Alcohol 14%," borne on the cartons or bottles containing the articles, were false and misleading in that they represented that the said articles were lemon extract containing 55 per cent of alcohol or extract vanilla containing 14 per cent of alcohol, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were lemon extract containing 55 per cent of alcohol or extract vanilla containing 14 per cent of alcohol, as the case might be, whereas, in truth and in fact, they were not lemon extract or extract vanilla, but were products composed in large part of mixtures which contained no lemon extract or vanilla extract, and the said articles did not contain 55 per cent or 14 per cent, as the case might be, of alcohol, but did contain a less amount. Misbranding was alleged for the further reason that the said articles were products composed in large part of mixtures which contained no lemon extract or extract vanilla, artificially colored and prepared in imitation of lemon extract or extract vanilla, as the case might be, and were offered for sale and sold under the distinctive name of other articles.

On April 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

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CORRECTION SLIP FOR S.R.A. CHEM. SUPPLEMENT 121.

The last line of Notice of Judgment 9501 was inadvertently dropped. The last paragraph of this notice should read as follows:

On July 9, 1921, the case was tried to the court and a jury. After the submission of evidence, arguments by counsel, and oral instructions by the court to the jury, the jury retired and after due deliberation, on July 11, 1921, returned a verdict of not guilty.

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 9501-9550.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 15, 1921.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

9501. Alleged misbranding of Diamond's rheumatism and neuralgia powders. U. S. * * * v. Joseph Diamond. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 14521. I. S. No. 199-r.)

On June 16, 1921, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph Diamond, Jacksonville, Fla., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 19, 1920, from the State of Florida into the State of Georgia, of a quantity of Diamond's rheumatism and neuralgia powders which were alleged to have been misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a powdered mixture of sulphur, potassium nitrate, guaiac, and rhubarb.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the carton containing the said article and in the accompanying circular, falsely and fraudulently represented it to be effective as a relief, treatment, remedy, and cure for rheumatism, neuralgia, dyspepsia, indigestion, impure blood, neuritis, lumbago, and female troubles, when, in truth and in fact, it was not.

On July 9, 1921, the case was tried to the court and a jury. After the submission of evidence, arguments by counsel, and oral instructions by the court to the jury, the jury retired and after due deliberation, on July 11, 1921, re-

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9502. Misbranding of Madame Dean female pills. U. S. * * * v. One Dozen Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13265. I. S. No. 3042-t. S. No. C-2146.)

On August 16, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one dozen packages of Madame Dean female pills, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on June 14, 1920, and transported from the State of Pennsylvania into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box label) " * * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation;" (booklet) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in reestablishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine function * * *;" (circular) " * * * a great relief against those general complaints the Female-Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken. * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache * * * for suppressed Menstruation * * * continue their use until relieved * * * take * * * until the menstrual flow commences again."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of quinine, aloes, ferrous sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effect thereof, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed and would not lessen, relieve, or cure the aforesaid diseases, complaints, and ailments.

On November 26, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9503. Misbranding of Gold Medal compound pennyroyal pills. U. S. * * * v. 4 Dozen Packages * * * of * * * Gold Medal Compound Pennyroyal Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13506. I. S. No. 11613-t. S. No. C-2343.)

On August 23, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 dozen packages of Gold Medal compound pennyroyal pills, remaining unsold in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped by the S. Pfeiffer Mfg. Co., St. Louis, Mo., on or about Febr-

ary 10, 1920, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of ferrous sulphate, aloin, oil of pennyroyal, and plant extractives, including emodin and traces of alkaloids.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the therapeutic or curative effect thereof, appearing in the circular in each of the packages containing the said article, to wit, " * * * in cases of suppressed menstruation. To Prevent Irregularities. Take * * * four or five days before the expected appearance of the menstrual period. For Painful Menstruation or Dysmenorrhoea. These excruciating pains which some go through each month, can be avoided to a great extent by taking Gold Medal Pills the same as prescribed for suppression. We recommend these Pills as a Most Effectual Emmenagogue," were false and fraudulent, and the said statements were applied to the article so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof the impression and belief, that it was capable of producing the therapeutic effect claimed, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing such effect.

On December 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9504. Adulteration of canned raspberries. U. S. * * * v. 300 Cases * * * of Raspberries. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 13713. I. S. No. 3419-t. S. No. C-2521.)

On September 22, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases, each containing 6 cans, of raspberries, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Olympia Canning Co., Olympia, Wash., on or about July 24, 1920, and transported from the State of Washington into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On June 15, 1921, the Olympia Canning Co., Olympia, Wash., claimant, having withdrawn its claim for the property and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9505. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 950 Cases of * * * Canned Tomatoes. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 13776. I. S. No. 3554-t. S. No. C-2547.)

On October 12, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of

950 cases of canned tomatoes, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the West River Canning Co., Galloways, Md., on or about August 15, 1920, and transported from the State of Maryland into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Pride Of Arundel Brand Tomatoes" (design showing whole tomato) "Contents 1 Lb. 3 Oz. * * * Packed By West River Canning Co. Incorporated Galloways, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with, and substituted in part for, the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," together with the design showing a whole tomato, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold or destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9506. Misbranding of Hall's catarrh medicine. U. S. * * * v. 79 Bottles of * * * Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14074. Inv. No. 24932. S. No. E-2936.)

On December 16, 1920, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 79 bottles of Hall's catarrh medicine, at Binghamton, N. Y., alleging that the article had been shipped on or about September 24, 1920, by F. J. Cheney & Co., Toledo, Ohio, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Hall's Catarrh Medicine;" (booklet) "* * * Catarrh * * * nose, throat, ear passages, stomach, bowels, bladder, uterus, * * * small cavities, called antrums and sinuses * * * This form of catarrh * * * should be conquered at all costs. * * * Sense of Smell. * * * When the sense of smell has been destroyed by catarrh, Hall's Catarrh Medicine * * * assists in restoring normal conditions. * * * Deafness * * * sometimes requires long treatment * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a solution of potassium iodid, bitter plant extractives, sugar, and cardamom, in alcohol and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements, printed upon the carton and in the booklet referred to, were false and fraudulent in that the article did not and could not produce the curative and therapeutic effects alleged in said statements, and, in fact, said article contained no ingredient or combination of ingredients able to produce the results claimed for it; that said statements so branded upon the carton and printed in said booklet were misleading and were intended to deceive, and were wilfully, wrongfully, and unlawfully branded and added to said packages for the purpose and with the intent to deceive and mislead anyone needing such alleged remedy to believe and understand that said product would produce the curative effects stated.

On January 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9507. Adulteration and misbranding of prepared mustard. U. S. * * * v. 3 Cases and 38 Cases * * * of Prepared Mustard. Decrees of condemnation, forfeiture, and destruction. Containers returned to claimant of 38 cases. (F. & D. Nos. 14406, 14407. I. S. Nos. 10193-t, 10225-t. S. Nos. W-862, W-863.)

On February 7, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 cases, each containing 6 one-gallon jars, and 38 cases, each containing 3 dozen 4-ounce tumblers, of prepared mustard, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kondit Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about December 13, 1920, and March 31, 1920, respectively, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled on the respective cases in part, "3 Dozen 4 Oz. [Tumblers] Net Weight 4 Oz. J. S. B. Brand Prepared Mustard Natural Flavor * * *," or "Six One-Gallon Jars Reliance Brand Prepared Mustard. The Kondit Co., Chicago, Ill. * * *."

Adulteration of the article was alleged in the libels for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for prepared mustard.

Misbranding was alleged in substance for the reason that the labels bore the statement regarding the article, to wit, "Prepared Mustard," which was false and misleading and calculated to deceive and mislead the purchaser in that the article was not prepared mustard, but was prepared mustard mixed and packed with mustard hulls.

On March 18, 1921, Logan Wallace having entered an appearance as claimant for the 38 cases of the article and having admitted all material allegations of the libel, it was ordered by the court that the libel be taken as confessed against the product, and it was further ordered by the court that, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be returned to Chicago, Ill., to be destroyed by the United States marshal, the containers be delivered to the said claimant. On May 31, 1921, no claimant having appeared for the 3 cases of the article, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9508. Misbranding of Egyptian regulator tea. U. S. * * * v. 60 Small, 16 Medium, and 5 Large Packages of * * * Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14442. I. S. No. 10197-t. S. No. W-872.)

On February 16, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 small, 16 medium, and 5 large packages of Egyptian regulator tea, consigned by the Kells Co., Newburgh, N. Y., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped

from Newburgh, N. Y., on or about the respective dates June 27, 1916, and January 2, June 15, and November 25 [29], 1920, and transported from the State of New York into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of senna, coriander, triticum, licorice root, ginger, sambucus, cinnamon, and taraxacum.

Misbranding of the article was alleged in substance in the label for the reason that the following statements borne on the circulars and wrappers accompanying the said article, to wit, (white circular, all sizes) "Egyptian Regulator Tea * * * A Speedy and Positive relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness. * * * Nature's Own Gift to Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, Whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs * * * Heart Troubles, Paralysis, Rheumatism, Gout * * * apoplexy * * *," (blue wrapper, small and medium sizes) "Egyptian Regulator Tea A Remedy for * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney Trouble," (blue wrapper, large size) "Egyptian Regulator Tea An Excellent Remedy for * * * Dyspepsia * * * Rheumatism, Nervousness, Liver Complaint, Sick Headache, Also Corpulency, Etc. * * *," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY. *Acting Secretary of Agriculture.*

9509. Misbranding of dairy feed. U. S. * * * v. Security Mills & Feed Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 14502. I. S. No. 16595-r.)

On April 25, 1921, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Security Mills & Feed Co., a corporation, Knoxville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 28, 1920, from the State of Tennessee into the State of Georgia, of a quantity of dairy feed which was misbranded.

Examination of 100 sacks of the consignment by the Bureau of Chemistry of this department showed an average net weight of 96.7 pounds per sack.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Lbs. Net," borne on the tags attached to the sacks containing the article, regarding the article, was false and misleading in that it represented that each of said sacks contained 100 pounds thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks contained 100 pounds thereof, whereas, in truth and in fact, they did not, but did

contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On June 14, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9510. Misbranding of Hooper's female pills. U. S. * * * v. 57 Packages of Green Seal, 17 Packages of Black Seal, 54 Packages of Green Seal, and 56 Packages of Black Seal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13628, 13630, 13647. I. S. Nos. 8928-t, 8929-t, 8941-t, 8942-t. S. Nos. E-2573, E-2704, E-2709, E-2720.)

On September 4 and 16, 1920, respectively, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 57 packages of Green Seal pills, consigned on April 3, 1920, and 17 packages of Black Seal pills, consigned on or about November 3, 1919, 54 packages of Green Seal pills, consigned on or about November 4, 1919, and 56 packages of Black Seal pills, consigned on or about January 15, 1920, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Horace B. Taylor Co., Philadelphia, Pa., on the aforesaid dates, and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Extra Quality * * * Hooper's Pills."

Analyses of samples of both the Green Seal and Black Seal pills by the Bureau of Chemistry of this department showed that they consisted essentially of aloes and ferrous sulphate.

Misbranding of the article was alleged in substance in the libels for the reason that the packages and labels bore and contained the following statements regarding the curative and therapeutic effect thereof, (circular and wrapper) " * * * Female Pills * * * a safe and sovereign remedy in female complaints, * * * an Emmenagogue in producing menstruation. * * * for the removal of irregularities. * * * are used * * * (except in cases of pregnancy) * * *, (wrapper) " * * * opening obstructions of the vessels * * * cure of disorders peculiarly incident to the Female Sex, * * * remedy against those general complaints the Female Sex are subject to; * * * cleanse, purify, and cause a free circulation of the blood, * * * open those obstructions which Virgins are liable to, * * * best * * * for * * * the irregularities, * * * for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath * * * scurvy * * * should be taken by all women at age of forty-five * * * to prevent those disorders which usually attend them at that time. * * * sovereign remedy * * * in all hypochondriac, hysterick, or vapourish disorders, * * * strengthens the nerves, * * * for * * * obstruction of * * * courses, * * * continue their use until the end is answered * * *, which statements were false and fraudulent in that the said article did not contain any ingredients or combination of ingredients capable of producing the effects claimed.

On February 3, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9511. Adulteration and misbranding of barley feed. U. S. * * * v. Burt J. Bartlett and Willet A. Ward (Interstate Feed Association). Plea of nolo contendere. Fine, \$30 and costs. (F. & D. No. 12290. I. S. No. 10721-r.)

On April 27, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Burt J. Bartlett and Willet A. Ward, copartners, trading as the Interstate Feed Association, Toledo, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 1, 1919, from the State of Ohio into the State of Indiana, of a quantity of barley feed which was adulterated and misbranded. The article was described in a letter by the Interstate Feed Association as "Barley feed * * * manufactured only from pure barley. This feed contains no adulterants."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of oat hulls and oat shorts, and that little, if any, barley was present.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a mixture of oat hulls and oat shorts, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in whole or in part for barley feed, manufactured only from pure barley, which the article purported to be.

Misbranding was alleged for the reason that the article was a mixture of oat hulls and oat shorts, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, barley feed, manufactured only from pure barley. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On December 8, 1920, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$30 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9512. Adulteration and misbranding of grape juice. U. S. * * * v. A. Schmidt, Jr., & Bros. Wine Co., a Corporation (Purity Bottling Co.). Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 8292. I. S. No. 11032-m.)

On September 19, 1917, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the A. Schmidt, Jr., & Bros. Wine Co., a corporation, trading as the Purity Bottling Co., Sandusky, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 3, 1916, from the State of Ohio into the State of Illinois, of a quantity of grape juice which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water and added sugar.

Adulteration of the article was alleged in the information for the reason that a mixture of sugar and water had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in part for grape juice, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Grape Juice," borne on the label attached to the bottles containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article consisted

exclusively of grape juice, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of grape juice, whereas, in truth and in fact, it did not, but did consist in part of a mixture composed of added sugar and added water.

On December 7, 1920, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9513. Misbranding of cottonseed cake. U. S. * * * v. Osage Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 13915. I. S. Nos. 18807-r, 18805-r.)

On January 5, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Osage Cotton Oil Co., a corporation, having a place of business at Muskogee, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, or or about December 3, 1919, and January 7, 1920, respectively, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed cake which was misbranded.

Examination of 40 sacks and 71 sacks from the two consignments, by the Bureau of Chemistry of this department, showed an average net weight of 95.3 pounds and 96.2 pounds, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds Gross 99 lbs. Net," borne on the tags attached to the sacks containing the article, regarding the article, was false and misleading in that it represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks weighed 100 pounds gross and contained 99 pounds net of the article, whereas, in truth and in fact, each of said sacks did not weigh 100 pounds gross but did weigh a less amount, and each of the said sacks did not contain 99 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 2, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9514. Misbranding of Egg-Nu. U. S. * * * v. The Abner Royce Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 12323. I. S. No. 15087-r.)

On June 21, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Abner Royce Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 16 or July 5, 1919, from the State of Ohio into the State of Pennsylvania, of a quantity of Egg-Nu which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of dried powdered egg and cornstarch. Baking tests made by the said bureau showed that the article did not take the place of eggs in cake baking. Cakes made with Egg-Nu were slightly

greater in volume than cakes made with skim milk, but were not comparable in volume, flavor, color, tenderness, and texture with cakes made with eggs.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Substitute for Eggs * * * For each egg called for in recipe, use one scant teaspoonful of Egg-Nu * * * Contents of this package when used according to directions for cooking and baking is equal to 2 Dozen Eggs * * * Conforms With All Food Laws * * *," borne on the packages containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was a substitute for eggs, that one scant teaspoonful thereof was equal to one egg, that the contents of the said package were equal to 2 dozen eggs, and that it conformed with all food laws, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a substitute for eggs, that one scant teaspoonful of the article was equal to one egg, that the contents of the said package were equal to 2 dozen eggs, and that it conformed to all food laws, whereas, in truth and in fact, it was not a substitute for eggs, one scant teaspoonful thereof was not equal to one egg, the contents of each of the said packages, to wit, three ounces, were not equal to 2 dozen eggs, and the said article did not conform with all food laws in that it was a mixture composed in large part of cornstarch, which rendered it unfit as an egg substitute.

On August 7, 1920, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9515. Misbranding of Kellogg's Sanitone Wafers. U. S. * * * v. 12 Packages and 3 Dozen Packages * * * of * * * Kellogg's Sanitone Wafers. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13297, 13344. I. S. Nos. 11617-t, 365-t. S. Nos. C-2371, C-2107.)

On August 27 and August 16, 1920, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 12 packages and 3 dozen packages of Kellogg's Sanitone Wafers, remaining unsold in the original unbroken packages at Atchison and Wichita, Kans., respectively, alleging that the article had been shipped by the F. J. Kellogg Co., Battle Creek, Mich., on or about August 18, 1919, and April 15, 1920, respectively, and transported from the State of Michigan into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of salts of iron and chromium, capsicum, a laxative plant drug, and a trace of strychnine.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, regarding the therapeutic or curative effects thereof, appearing in the circular within the package containing the article, to wit, " * * * Uses Of Chromium Sulphate In Medicine. * * * We recommend and advise you to give Kellogg's Sanitone Wafers a fair, persistent trial in any of the diseases or troubles mentioned in the above article. * * * cystitis * * * Prostatic (enlargements * * * Uterine fibroid tumors * * * Herpes preputialis * * * Cirrhosis of the female breast, castra-

tion, menopause, functional impotency in men, chronic alcoholism, nervous vomiting and vomiting in pregnancy, neurasthenia, locomotor ataxia, exophthalmic goiter * * * neurasthenia, exophthalmic goiter, and locomotor ataxia are of particular interest and importance. Results from this salt [chromium sulphate] are speedy and striking. In * * * neurasthenia it deserves the unique position of being the only drug which is curative, * * * Locomotor ataxia is curable with chromium sulphate. * * * Kellogg's Sanitone Wafers have Chromium Sulphate for their chief ingredient * * *, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it was capable of producing the therapeutic effects claimed, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing such effects.

On December 2, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9516. Misbranding of Hall's Texas Wonder. U. S. * * * v. 6 Dozen, 6 Dozen, 3 Dozen, and 3 Dozen Bottles * * * of Hall's Texas Wonder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12905, 12925, 12994, 13112. I. S. Nos. 9713-r, 326-t, 18869-r. S. Nos. C-1969, C-1990, C-2009, C-1975.)

On June 11, June 17, July 7, and July 30, 1920, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 18 dozen bottles of Hall's Texas Wonder, at Topeka, Atchison, and Wichita, Kans., respectively, alleging that the article had been shipped in part by E. W. Hall, and in part by G. Nash, from St. Louis, Mo., on or about June 1, 5, 11, and 22, 1920, respectively, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, oil of turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label of the cartons containing the article and in an accompanying circular, to wit, (carton) "A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children," (circular headed "Read Carefully") "* * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved * * *," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed, and the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it was capable of producing the therapeutic effects claimed, when, in truth and in fact, it was not.

On September 25, September 27, October 9, and December 2, 1920, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9517. Misbranding of Donaldson's Wonderful New Life remedy. U. S. * * * v. 125 Bottles, et al., of Donaldson's Wonderful New Life.
Default decrees of condemnation, forfeiture, and destruction.
(F. & D. Nos. 14300, 14302, 14712, 14713, 14714, 14715, 14716, 14717. Inv. Nos. 32852, 32755, 32756, 32757, 32758, 32759, 32760, 32761. S. Nos. E-3199, E-3197.)

On April 1 and 11, 1921, respectively, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, libels for the seizure and condemnation of approximately 178 bottles of Donaldson's Wonderful New Life remedy, remaining in the original unbroken packages in the possession of various dealers at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) " * * * Wonderful New Life Remedy * * * For All Blood Diseases Stomach and Liver Difficulties * * * Dyspepsia, * * * Catarrh, Liver Complaints, Rheumatism, Enlargement Of Liver, Diseases Of The Kidneys, Chronic Constipation And Nervous Debility * * *." A portion of the bottles were further labeled: " * * * Syphilis, Scrofula, Erysipelas * * *." The remainder of the bottles were further labeled: " * * * it is a genuine blood cleanser, stomach and liver regulator. It is one of the greatest kidney medicines in the world. It clears the urinal organs and strengthens the bladder, gives vitality, vigor and vim to manhood." All the cartons were labeled as follows: " * * * Wonderful New Life * * * A Splendid Tonic And System Purifier For * * * Blood Diseases, Stomach and Liver Difficulties * * * for Dyspepsia * * * Scrofula, Erysipelas, Catarrh, Liver Complaints, Rheumatism, Enlargement of Liver, Disease of the Kidneys, Chronic Constipation and Nervous Debility. * * * blood tonic * * * Is one of the greatest kidney remedies on the face of the earth. It is indeed a New Life remedy, extracted from nature, from herbs, which contains all the life and nutrition of food that is necessary. * * * also the urinary organs are kept free and clear; from berries, which relieves inward pains, takes away * * * swelling and dropsical condition. * * * Barks and seeds to strengthen the system, takes uric acid out of the blood, therefore relieves rheumatism, regulates the liver and commands the heart to its proper motion, quiets the nerves, clears the aerial passages therefore, swimming in the head, dizziness, uneasiness, delirium conditions, in other words, if you are drowsy and lazy these seeds will spur you up; honey and glycerine, brown sugar and licorice root for the lungs and phlegmatic conditions of the system and * * * takes gastric juice and superfluous of sour mass of acid oxygen from the stomach, therefore, it relieves indigestion, * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted essentially of sulphates, plant extractives, including aloin, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the bottles and cartons containing the article, concerning the curative and therapeutic effects thereof, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed, and the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it possessed the curative and therapeutic qualities claimed for the said article, whereas, in truth and in fact, it did not.

On June 11, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9518. Misbranding of Robert J. Pierce's tablets. U. S. * * * v. 34
Packages of * * * Robert J. Pierce's Empress Brand Pennyroyal Tablets and 27 Packages of * * * Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apiole Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13306, 13509. I. S. Nos. 3049-t, 3046-t. S. Nos. C-2302, C-2320.)

On August 24 and 25, 1920, respectively, the United States attorney for the Eastern District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 34 packages of Robert J. Pierce's Empress Brand pennyroyal tablets and 27 packages of Robert J. Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiole tablets, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the articles had been shipped by Robert J. Pierce, Inc., New York, N. Y., on March 10, 1920, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The pennyroyal tablets were labeled in part: (Box) " * * * the most Powerful and Reliable Emmenagogue known The only safe, sure and always effectual remedy in suppression (stoppage) of the menstrual function;" (circular) " * * * The Celebrated Female Regulator * * * Active treatment should begin four or five days before the expected reappearance of the menstrual flow. * * * Take one * * * three times daily * * * follow * * * instructions * * * until the desired result is obtained * * * emmenagogue medicine * * * they have invariably proved successful. As a Preventive of Irregularities.—Take one * * * three times daily, * * * They can always be depended upon as a monthly regulator." The tansy, cotton root, pennyroyal, and apiole tablets were labeled in part: (Box) " * * * Tansy, Cotton Root, Pennyroyal and Apiole Tablets. A Safe Emmenagogue, Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function;" (circular) " * * * Tansy, Cotton Root, Pennyroyal and Apiole Tablets * * * The Celebrated Female Regulator * * * Delayed Menstruations When the suppression is of long standing, * * * take * * * four days before the time when the menses should appear. * * * immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one tablet three times daily, * * * follow instructions * * * until the desired result is obtained. * * * Irregularities Where the menses are not regular * * * are invaluable. * * * Take * * * before the expected appearance of the menstrual period."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pennyroyal tablets consisted essentially of ferrous sulphate and plant extractives, including tansy and aloes; and that the tansy, cotton root, pennyroyal, and apiole tablets consisted essentially of ferrous sulphate and plant extractives, including pennyroyal and aloes.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements, regarding the curative and therapeutic effects thereof, were false, fraudulent, and misleading in that they contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said articles were not cures for the complaints and ailments above quoted.

On January 18, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9519. Adulteration and misbranding of prepared mustard. U. S. * * * * v. 150 Cases * * * 5-Ounce Tumblers, 150 Cases * * * 8-Ounce Jars, 25 Cases * * * 1-Gallon Bottles, and 8 Barrels of Prepared Mustard. Judgments by consent ordering product released under bond, the 8 barrels to be relabeled and the remainder to be destroyed and the containers thereof to be returned to claimant. (F. & D. Nos. 14269, 14435. I. S. Nos. 10162-t, 10163-t, 10164-t, 10184-t. S. Nos. W-852, W-869.)

On January 28, 1921, and on or about February 16, 1921, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 150 cases, each containing 3 dozen 5-ounce tumblers, 150 cases, each containing 2 dozen 8-ounce jars, 25 cases, each containing 6 one-gallon bottles, and 8 barrels of prepared mustard, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kondit Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about August 25 and December 13, 1920, respectively, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for prepared mustard.

Misbranding was alleged in substance for the reason that the statement, to wit, "Prepared Mustard," borne on the tumblers, jars, bottles, and barrels containing the article, regarding the contents thereof, was false and misleading and was calculated to deceive and mislead the purchaser.

On February 28 and April 20, 1921, respectively, Logan Wallace, claimant, having admitted the material allegations of the libels, judgments were entered ordering that upon payment of the costs of the proceedings and the execution of bonds in the sum of \$500 and \$1,000, respectively, in conformity with section 10 of the act, the product be released to said claimant, the 8 barrels thereof to be relabeled "Compound Dressing Composed of Mustard Seed, Mustard Bran, Vinegar, and Spices," and the remainder to be returned to Chicago, Ill., the product to be destroyed by the United States marshal for that district, and the containers to be returned to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9520. Misbranding of Dr. Carey's Marsh Root. U. S. * * * * v. 181 Packages and 111 Packages of Dr. Carey's Marsh Root. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13820, 13825. I. S. Nos. 5687-t, 5688-t, 5689-t. S. Nos. E-2845, E-2847.)

On October 28, 1920, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 181 packages and 111 packages of Dr. Carey's Marsh Root, at Pittsburgh, Pa., consigned by the Carey Medical Corp., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on June 25, July 22, and October 4, 1920, respectively, and transported from the State of New York

into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of salicylates, plant extractives, including buchu, uva ursi, and saw palmetto, sodium and potassium salts, mydriatic alkaloids, indicating belladonna, aromatic oils, including juniper, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the labels for the reason that the following statements regarding its therapeutic or curative effects, appearing on the labels thereof, to wit, (carton) " * * * The Marsh Root Prescription is indicated in the treatment of Bright's Disease (before casts are formed) Diabetes Kidney, Bladder and Urinary Troubles Disordered Liver Stomach and Blood Diseases * * * this wonderful remedy * * * is advocated for the treatment of Chronic and acute Kidney, Bladder, Stomach, Liver and Urinary Diseases. * * * restores impoverished blood to the rich, red condition of perfect health. Marsh Root removes the cause * * *," (large circular) " * * * This wonderful remedy is a prescription used by Dr. Carey, with marvelous success, for many years in the treatment of Kidney and Bladder Troubles, Bright's Disease, and difficulties of the liver. * * * for the benefit of all sufferers from those dread diseases. * * * This splendid remedy has proven itself of great value in the treatment of Bright's Disease, Diabetes, all Urinary troubles, Retention, Scanty, Stoppage, Too Frequent and Brickdust. Catarrh of the Bladder, Gravel and Gall Stones are positively relieved by this treatment. In cases of Spermatorrhoea, Debility and Seminal Weakness Dr. Carey's Marsh Root will be found invaluable. * * * makes the Blood rich, red and healthy. * * * all that is claimed for Dr. Carey's marvelous medicine, Marsh Root, is beyond any question of doubt. There are thousands alive to-day who would be in their graves, caused by the awful effect of Kidney and Bladder Trouble, if they had not used this wonderful medicine, Marsh Root. * * * Kidney diseases * * * Bladder Troubles * * * paralysis of the bladder Diabetes * * * Uric Acid * * * eczema, or tetter Gravel * * * brickdust, sand or gravel * * * Bright's Disease * * * diseased condition of the ovaries * * * painful and unnatural menstruation. Marsh Root makes the kidneys strong and active and removes the uric acid which causes the pain, builds up the blood, increases its circulation, and regulates the monthly flow. Gravel or Stone in the Bladder * * * Marsh Root cures Gravel by dissolving the stones and deposits so that they are carried off with the urine. By making the kidneys and bladder strong and healthy they do not form again. Diabetes Sugar in the Urine * * * relief can be obtained much sooner if you procure Marsh Root to build up the digestive organs. * * * cured thousands of people * * * Backache, Weak Back * * * Gout, Diabetes, Bright's Disease, Gravel, Irritation of the Bladder, Scalding of the Urine, Swelling of the Ankles, Dropsy, or some other form of Kidney or Urinary Trouble. Marsh Root has a direct and specific action in all forms of Kidney, Bladder and Urinary Trouble, giving the kidneys strength to cast off all poisonous matter from the blood, thus stopping the cause of all diseases of this nature. * * * best known remedy for Bed Wetting in children and old people * * *," (bottle) "Dr. Daniel G. Carey's Marsh Root Prescription No. 777 For Kidney And Bladder Troubles Relieves Bladder and Urinary diseases, such as Inflammation of the bladder and urethra, cystitis and pain in kidney region, loins and back; too frequent and copious or too scanty flow of Urine; that smarting burning sensation when urinating and

will be found very beneficial in Renal Calculi or Stone in the Bladder. Prevents uremic poisoning by carrying off the uric acid in the urine, Renal Colic, Ovarian troubles, bearing down sensation. Children wetting the bed, etc. * * *, were false and fraudulent in that they were applied to the said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it was effective as a remedy for the various diseases mentioned in the statements contained in said circular and labels, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 28, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9521. Misbranding of Krause's Phosphorets. U. S. * * * v. 30 Packages of Krause's Phosphorets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13834. I. S. No. 5690-t. S. No. E-2854.)

On November 4, 1920, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 packages of Krause's Phosphorets, at Pittsburgh, Pa., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., on April 9, 1920, and transported from the State of Indiana into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of iron carbonate, asafetida, and elemental phosphorus.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its therapeutic or curative effects, appearing in the labeling thereof, to wit, (carton) " * * * Nervous Debility * * * Neurasthenia * * * Exhausted Nerve Force," (circular) " * * * will cure all diseases arising from a shattered condition of the nervous system, or the exhaustion of the vital energies of the brain from overwork, worry, dissipation, excesses or overindulgence of any kind * * * successful in the treatment of nervous debility, dizziness, despondency, paralysis, neurasthenia * * * ringing noises in the head, lack of energy or ambition * * * muscular weakness, shortness of breath * * * pain in the back, loss of memory, indecision, sciatica, early decay, rheumatism, hysteria, wasting diseases * * * restore the blood to its normal condition, throw off the impurities and overcome diseases infesting the system. * * * For Men * * * They will * * * cure * * * spermatorrhea, * * * drains of the prostatic fluid * * *," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it was effective for the various ailments mentioned in the above-quoted label and circular, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9522. Adulteration of tomato paste and adulteration and misbranding of tomato catsup. U. S. * * * v. 3 Cases of Tomato Paste and 7 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14116, 14117. I. S. Nos. 5823-t, 5824-t. S. No. E-3025.)

On December 23, 1920, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 cases of tomato paste and 7 cases of tomato catsup, at Johnstown, Pa., alleging that the articles had been shipped by Thomas Page and R. Rizzo, respectively, from Albion, N. Y., on October 29, 1920, and transported from the State of New York into the State of Pennsylvania, and charging that the former was adulterated in violation of the Food and Drugs Act, and that the latter was adulterated and misbranded in violation of the said act, as amended. The articles were labeled, respectively, "Mt. Etna Brand Concentrated Tomato * * * Napoli Style * * *," and "Royal Kitchen Brand Tomato Catsup * * *."

Adulteration of the articles was alleged in the libels for the reason that they consisted in whole or in part of filthy, decomposed, or putrid vegetable substances.

Misbranding of the tomato catsup was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 28, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9523. Adulteration of sauerkraut. U. S. * * * v. 70 Cases * * * of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14214. I. S. Nos. 11256-t, 11261-t. S. No. C-2714.)

On January 20, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on March 18, 1921, an amendment to said libel, praying the seizure and condemnation of 70 cases of sauerkraut, at Florence and Sheffield, Ala., respectively, alleging that the article had been shipped by the Rider Packing Co., Crothersville, Ind., on March 29, 1920, and transported from the State of Indiana into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Rider's Class A Brand Sauerkraut."

Adulteration of the article was alleged in substance in the libel, as amended, for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9524. Adulteration of canned salmon. U. S. * * * v. 1,669 Cases, Each Containing 4 Dozen Pound Cans of Salmon * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14256. I. S. No. 10534-t. S. No. W-848.)

On January 24, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 1,669 cases, each containing 4 dozen pound cans, of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Central Alaska Fisheries, Inc., from Drier Bay, Alaska, on August 6, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 1, 1921, the Central Alaska Fisheries, Inc., by its secretary, O. K. Marston, San Francisco, Calif., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,500, in conformity with section 10 of the act, conditioned in part that the said product be disposed of as animal food under the supervision of or to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9525. Adulteration and misbranding of vinegar. U. S. * * * v. 19 Cases and 61 Cases of Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14399, 14400. I. S. Nos. 5247-t, 5248-t. S. Nos. E-3082, E-3083.)

On February 4, 1921, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 19 cases and 61 cases of vinegar, at Manchester and Concord, N. H., respectively, alleging that the article had been shipped by the Naas Cider & Vinegar Co., Cohocton, N. Y., on September 27, 1920, and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Steuben Brand Cider Vinegar Reduced to 4% Acetic Acid."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in part for, cider vinegar. Adulteration was alleged for the further reason that the said article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the label of the bottles containing the article bore the statements, "Steuben Brand Reduced * * * Vinegar Fermented Net Contents One Pint," together with a design showing a whole red apple, which were false and misleading and misled and deceived the purchaser thereof. Misbranding was alleged for the further reason that purporting to be "Cider Vinegar * * * Made From Apples," and offered for sale as such, the said article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not conspicuously marked on the outside thereof.

On June 29, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9526. Adulteration of shell eggs. U. S. * * * v. Farmers Cooperative Elevator & Supply Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14557. I. S. No. 333-t.)

On June 29, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Cooperative Elevator & Supply Co., a corporation, Newkirk, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 8, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination of three cases of eggs from the consignment by the Bureau of Chemistry of this department showed a total of 76, or 7.04 per cent, inedible eggs, consisting of black rots, white rots, moldy eggs, spot rots, blood rings, heavy, enlarged embryo, and very badly heated eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9527. Adulteration of canned salmon. U. S. * * * v. 3,166 Cases * * * of Alaska Pink Salmon * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14592. I. S. No. 10575-t. S. No. W-883.)

On March 4, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3,166 cases of Alaska pink salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Central Alaska Fisheries, Inc., from Drier Bay, Alaska, on August 6, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 11, 1921, the Central Alaska Fisheries, Inc., Berkeley, Calif., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the product be disposed of as fish food under the direction of or to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9528. Adulteration and misbranding of canned tomatoes. U. S. * * * v. Winfield Webster and Guy L. Webster (Winfield Webster & Co.). Pleas of guilty. Fine, \$10 and costs. (F. & D. No. 14722. I. S. No. 15340-r.)

On June 15, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Winfield Webster and Guy L. Webster, copartners, trading as Winfield Webster & Co., Vienna, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 4, 1919, from the State of Maryland into the

District of Columbia, of a quantity of Blue Dot Brand tomatoes which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of poorly peeled and off-color tomatoes and tomato pulp made from skins and cores of tomatoes and partly decayed tomato stock.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, moldy tomato pulp, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, for the further reason that substances, to wit, moldy tomato pulp and pulp from the skin and cores of tomatoes, had been substituted in whole or in part for sanitary and wholesome canned tomatoes, which the article purported to be, and for the further reason that the said article consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statement and device borne on the can label, regarding the article and the ingredients contained therein, to wit, “* * * Tomatoes * * * These Tomatoes Were Packed In A Sanitary Factory,” and the cut showing a whole ripe tomato, were false and misleading in that they represented that the said article was pure, wholesome, and whole ripe tomatoes canned in a sanitary factory that observed sanitary rules, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed of pure, whole, ripe tomatoes packed in a sanitary manner, whereas, in truth and in fact, it did not consist of pure, whole, wholesome, and sanitary tomatoes, but did consist in whole or in part of moldy tomato pulp and the cores and skins of tomatoes. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of the cores and skins of tomatoes and of moldy tomato pulp prepared in imitation of wholesome and whole ripe tomatoes, and was offered for sale and sold under the distinctive name of another article, to wit, tomatoes.

On June 15, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9529. Adulteration of canned blackberries. U. S. * * * v. 1,183 Cases * * * of Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14830. I. S. No. 2075-t. S. No. C-2995.)

On April 23, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,183 cases, more or less, of blackberries, at Chicago, Ill., alleging that the article had been shipped by the Elmore Packing Co., Aberdeen, Wash., on February 26, 1921, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, “Elmore’s Blackberries.”

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On July 22, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9530. Misbranding of Anti-Choleric hog remedy. U. S. * * * v. 6 Cases of Anti-Choleric Hog Remedy. Default decree ordering destruction of the goods. (F. & D. No. 9536. I. S. No. 16129-r. S. No. E-1184.)

On December 14, 1918, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, consisting of 4½ cases each containing 48 small-sized packages and 1½ cases each containing 24 large-sized packages, of Anti-Choleric hog remedy, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by the Anti-Choleric Stock Remedy Corp., Norfolk, Va., on August 15 and 23, 1918, respectively, and transported from the State of Virginia into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Anti-Choleric Hog Remedy for Hog Cholera * * * Prepared Only By Anti-Choleric Stock Remedy Corporation Norfolk, Virginia;" (card accompanying product) "No More Hog Cholera At Last A Remedy Has Been Discovered That Will Prevent The Fatal Disease—Hog Cholera. Anti-Choleric All Of Our Remedies Are Sold Under A Positive Guarantee."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted, essentially, of a mixture of ferrous sulphate, sodium sulphate, sulphur, salt, charcoal, nitre, and ground feed.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, appearing in the labeling thereof, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On November 4, 1920, no claimant having appeared for the property, judgment by default was entered, ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9531. Misbranding of Mantone tablets. U. S. * * * v. 2½ Dozen, 3½ Dozen, and 2½ Dozen Packages of Mantone Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 9570, 9571, 9572. I. S. Nos. 15366-r, 15368-r. S. No. E-1202.)

On January 14, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and thereafter amendments to said libels, for the seizure and condemnation of 2½ dozen, 3½ dozen, and 2½ dozen packages of Mantone tablets, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Corona Chemical Co., Wilson, N. C., on or about December 3, December 20, and October 28, 1918, respectively, and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of arsenic, nux vomica, iron, and zinc phosphid.

Misbranding of the article was alleged in substance in the libels, as amended, for the reason that upon the carton containing the article and in the circular accompanying the same there appeared the following statements, (carton) "Mantone * * * For Nervousness, Sexual And General Debility," (circular) "* * * Mantone treatment. * * * If after taking the Mantone

treatment, thru indiscretion, and the use of alcoholic stimulants, coffee, tobacco or hard work—causing a weakening of the sexual appetite and nervous system, you should renew the Mantone treatment for one or two weeks," which statements were false and fraudulent since the said article was not effective as a remedy, treatment, or cure for nervousness, sexual or general debility, or weakening of the sexual appetite and nervous system.

On October 4, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9532. Adulteration of tomato pulp. U. S. * * * v. 24½ Cases of Canned Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9635. I. S. No. 15367-r. S. No. E-1224.)

On January 31, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24½ cases of canned tomato pulp, remaining unsold in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the Mantik Packing Co., Baltimore, Md., on or about December 12, 1918, and transported from the State of Maryland into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Ruxton Brand Tomato Pulp."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 4, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9533. Adulteration of shell eggs. U. S. * * * v. William T. Terry and Farmer K. Rice (Terry & Rice). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 11442. I. S. No. 9443-r.)

On April 7, 1920, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William T. Terry and Farmer K. Rice, trading as Terry & Rice, Pheba, Miss., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 8, 1919, from the State of Mississippi into the State of Missouri, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 180 eggs taken from one case of the consignment showed the presence of 25, or 13.8 per cent. inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 4, 1920, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9534. Misbranding of cottonseed meal. U. S. * * * v. Shelby Oil Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 11609. I. S. No. 7028-r.)

On January 27, 1920, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

the Shelby Oil Co., a corporation, Shelby, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 17, 1919, from the State of Mississippi into the State of Illinois, of a quantity of cottonseed meal which was misbranded. The article was labeled in part, "Star Brand Cotton Seed Meal 100 Pounds * * *."

Examination of the article by the Bureau of Chemistry of this department showed that the average net weight of 10 sacks was 93.8 pounds.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents of said packages was not plainly and conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On October 18, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9535. Adulteration of shell eggs. U. S. * * * v. Barnett Supply Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 11632. I. S. No. 7161-r.)

On April 7, 1920, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Barnett Supply Co., a corporation, Booneville, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 17, 1919, from the State of Mississippi into the State of Tennessee, of a quantity of shell eggs which were adulterated.

Examination of $\frac{1}{2}$ case of the consignment by the Bureau of Chemistry of this department showed the presence of 70, or 38.8 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On October 4, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9536. Misbranding of Hall's Texas Wonder. U. S. * * * v. 10 Bottles * * * of The Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12914. I. S. No. 10105-r. S. No. C-1972.)

On June 14, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 bottles of Hall's Texas Wonder, remaining unsold at Cincinnati, Ohio, consigned by E. W. Hall, St. Louis, Mo., on April 12, 1920, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "A Remedy For Kidney and Bladder Troubles Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children;" (circular) "Read Carefully * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved;" (bottle) " * * * E. W. Hall, Sole Manufacturer * * * St. Louis, Mo."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the carton containing the article and in the accompanying circulars, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended.

On February 19, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9537. Misbranding of Stopsit. U. S. * * * v. 19 Bottles and 30 Bottles * * * of * * * Stopsit. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12929, 12930. I. S. Nos. 9654-r, 10104-r. S. Nos. C-1978, C-1988.)

On June 18, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 19 bottles and 30 bottles of Stopsit, remaining unsold at Cincinnati, Ohio, consigned by O. K. Horner, Brazil, Ind., on April 17 and March 22, 1920, respectively, alleging that the article had been shipped from Brazil, Ind., and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " * * * This is to be used as an injection for Gonorrhœa and Gleet. We also recommend it for Leucorrhœa or Whites." The cartons containing a portion of the article were labeled in part: "Stopsit or Stops It In One Day * * * Many New Cases Need Treatment But One Day. Old Cases Just A Few Days. The Users Of This Wonderful, Harmless, Injection For Gonorrhœa Or Gleet, Gave It The Above Name. Never Known To Stricture. Try It Once, You Will Use No Other. It Is Safe, Sure And Speedy. Use For Prevention. * * * This remedy is for venereal diseases of men and women, and is the swiftest, most positive and harmless remedy ever discovered * * *." The remainder of the cartons were labeled in part: "O. K. Horner's Stopsit * * * Never Known To Stricture. Try It Once, You Will Use No Other. It Is Safe Sure And Speedy. * * * Sold For Years As Stops It In One Day So Many Got Such Quick Results, With This Wonderful Harmless Remedy, For Gonorrhœa And Gleet, They Gave It The Above Name. * * * This remedy is for venereal diseases of men and women, and is the swiftest, most positive and harmless remedy ever offered the public * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of two preparations, an aqueous solution of berberine sulphate, contained in bottles, and a mixture of potassium permanganate and potassium sulphate, contained in tubes accompanying the bottles.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the cartons and bottles containing the article, regarding the curative or therapeutic effect thereof, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended.

On February 19, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9538. Misbranding of Robert J. Pierce's tansy, cotton root, pennyroyal, and apiol tablets. U. S. * * * v. 5 Dozen Packages and 6 Dozen Packages of Robert J. Pierce's Tansy, Cotton Root, Pennyroyal, and Apiol Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13294, 13295. I. S. Nos. 5801-t, 5804-t. S. Nos. E-2615, E-2631.)

On August 24, 1920, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 dozen packages and 6 dozen packages of Robert J. Pierce's tansy, cotton root, pennyroyal, and apiol tablets, consigned by Robert J. Pierce, Inc., New York, N. Y., remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped from New York, N. Y., on May 24 and July 27, 1920, respectively, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes, ferrous sulphate, oil of pennyroyal, and plant extractives.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing in the labeling, to wit, (box) "Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal and Apiol Tablets. A Safe Emmenagogue, Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function," (circular) " * * * Tansy, Cotton Root, Pennyroyal and Apiol Tablets * * * The Celebrated Female Regulator * * * Delayed Menstruations When the suppression is of long standing * * * take one * * * until four days before the time when the menses should appear * * * immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one tablet three times daily * * * follow * * * instructions * * * until the desired result is obtained. * * * Irregularities Where the menses are not regular, * * * are invaluable. Take * * * before the expected appearance of the menstrual period," were false and fraudulent in that they were applied to the said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it was effective as a remedy for the suppression of the menstrual function, when, in truth and in fact, the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 28, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9539. Misbranding of Wendell's Ambition Brand pills. U. S. * * * v. 12 Dozen Packages, et al., of Wendell's Ambition Brand Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13515, 13539, 13540, 13541. I. S. Nos. 1735-t, 481-t, 1745-t, 491-t. S. Nos. C-2123, C-2124, C-2125, C-2166.)

On August 30, 1920, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and con-

demnation of approximately 53 $\frac{1}{2}$ dozen, small size, and 9 $\frac{1}{2}$ dozen, large size, packages of Wendell's Ambition Brand pills, remaining unsold at Cincinnati, Ohio, consigned by the Wendell Pharmacal Co., Inc., Syracuse, N. Y., on or about January 22, 1920, August 22, 1919, and March 22, May 21, and July 6, 1920, respectively, alleging that the article had been shipped from Syracuse, N. Y., and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * Pills Ambition Brand Beneficial in the treatment of * * * Nervous Debility, Sleeplessness, Despondency, Mental Depression, Hysteria, Nervous Headaches, Dyspepsia, Indigestion, * * * Affections of the Nervous System."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of quinine, aloes, and nux vomica.

Misbranding of the article was alleged in substance in the labels for the reason that the above-quoted statements appearing on the cartons containing the article, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended.

On February 19, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9540. Adulteration and misbranding of egg noodles. U. S. * * * v. The Western Macaroni Mfg. Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 13890. I. S. No. 2836-r.)

On March 31, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Western Macaroni Mfg. Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 19, 1919, from the State of Utah into the State of New Mexico, of a quantity of egg noodles which were adulterated and misbranded. The article was labeled in part: "Queen's Taste Brand Egg Noodles Made From Semolina And Fresh Eggs * * * Manufactured By The Western Macaroni Mfg. Co., Inc., Salt Lake City, Utah * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained little or no egg.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an alimentary paste containing little or no egg, had been substituted wholly for egg noodles, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Egg Noodles," borne on the packages containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was egg noodles, to wit, a product which contained an appreciable amount of egg, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it was egg noodles, to wit, a product which contained an appreciable amount of egg, whereas, in truth and in fact, it was not egg noodles, but was an alimentary paste containing little or no egg. Misbranding was alleged for the further reason that the article was a mixture,

to wit, an alimentary paste containing little or no egg, prepared in imitation of egg noodles, and was offered for sale and sold under the distinctive name of another article, to wit, egg noodles.

On June 9, 1921, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9541. Adulteration and misbranding of Plum Point Brand tomatoes. U. S. * * * v. 175 Cases of * * * Plum Point Brand Tomatoes * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond for relabeling. (F. & D. No. 14175. I. S. No. 8692-t. S. No. E-3046.)

On January 12, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 175 cases, more or less, of canned tomatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by H. M. Gleason & Co., Charlottesville, Va., on November 27, 1920, and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Plum Point Brand Tomatoes Contents 2 Lbs. Packed By The Plum Point Canning Co. Plum Point, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, tomato pulp, had been mixed and packed with, and substituted wholly or in part for, the article, and for the further reason that said article had been mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Plum Point Brand Tomatoes" (design showing red, ripe tomato) "Contents 2 Lbs," was false and misleading and deceived and misled the purchaser, for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 3, 1921, Albert N. Faulkner, Walter Weber, and Thomas J. Faulkner, trading as the Plum Point Canning Co., claimants, having filed their claim for the property, petitioning the court for the release of the same to them, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimants upon payment of all the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that the goods be relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9542. Adulteration and misbranding of vinegar. U. S. * * * v. 12 Barrels of Vinegar * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14179. I. S. No. 2325-t. S. No. C-2681.)

On January 17, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 barrels, more or less, of vinegar, consigned by the National Vinegar Co., St. Louis, Mo., remaining unsold in the original unbroken packages

at Olney, Ill., alleging that the article had been shipped from St. Louis, Mo., on or about September 27, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (On barrel) " * * * Owl Brand 47 Cider Vinegar Reduced to 4% acidity, made in St. Louis."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed with, and substituted wholly or in part for, the article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Cider Vinegar," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 21, 1921, Marquard F. Braun, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9543. Misbranding of cottonseed meal. U. S. * * * v. **Kyle Oil & Gin Co., a Corporation.** Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14349. I. S. No. 24801-r.)

On May 20, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kyle Oil & Gin Co., a corporation, Kyle, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 28, 1920, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 14, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9544. Misbranding of Rabbitfoot Brand cottonseed cake and meal and ordinary cottonseed meal. U. S. * * * v. **Kyle Oil & Gin Co., a Corporation.** Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14354. I. S. Nos. 18808-r, 18809-r, 18810-r.)

On May 25, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kyle Oil & Gin Co., a corporation, Kyle, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 8 and January 5, 1920, and December 30, 1919, respectively, from the State of Texas into the State of Kansas, of quantities of cottonseed cake and meal and cottonseed meal which were misbranded.

Analyses of samples from each of the consignments by the Bureau of Chemistry of this department showed that the products contained approximately 39.94 per cent, 40.94 per cent, and 39.65 per cent, respectively, of protein.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis. Protein, not less than 43

per cent," borne on the tags attached to the sacks containing the articles, regarding the articles and the substances and ingredients contained therein, was false and misleading in that the said statement represented that the articles contained not less than 43 per cent of protein, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained not less than 43 per cent of protein, whereas, in truth and in fact, they contained less amounts of protein, to wit, 39.94 per cent, 40.94 per cent, and 39.65 per cent, respectively.

On June 14, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9545. Misbranding of Egyptian regulator tea. U. S. * * * v. 18½ Dozen Packages of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14398. I. S. No. 30304. S. No. C-2772.)

On February 3, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18½ dozen packages, consisting of 6½ dozen packages 25-cent size, 3½ dozen packages medium size, and 8 dozen packages small size, of Egyptian regulator tea, remaining unsold in the original unbroken packages at St. Louis, Mo., shipped on or about December 18, 1919, October 15 and March 16, 1920, by the McCullough Drug Co., Lawrenceburg, Ind., alleging that the article had been transported from the State of Indiana into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: (White circular) "Egyptian Regulator Tea * * * A Speedy and Positive relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness. * * * Nature's Own Gift To Dyspeptic, Debilitated Men, to Wornout Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, Whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs, * * * Heart Troubles, Paralysis, Rheumatism, Gout, * * * apoplexy * * *;" (blue wrapper) "Egyptian Regulator Tea A Remedy For * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney Trouble * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of senna, coriander, triticum, licorice root, ginger, sambucus, cinnamon, and taraxacum.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements in the labels and circulars, regarding the curative and therapeutic effect of the article, were false and fraudulent.

On April 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9546. Misbranding of Pratt's Conditioner. U. S. * * * v. 11 Boxes * * * of Drug Products. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14418. I. S. No. 1720-t. S. No. C-2774.)

On or about February 8, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 boxes of drug products, represented to be "Pratt's Conditioner," at Galveston, Tex., alleging that the article had been shipped by the Pratt Food Co., Philadelphia, Pa., on or about August 3, 1920, and transported from the State of Pennsylvania into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pratts Conditioner * * * prevents * * * Epizooty * * * Contagious Diseases, Restores the Wind. * * * makes Cows give richer milk * * * It positively prevents slinking of Calves, Coughs, Colds and common ailments. Hog Cholera Pratts Conditioner prevents Hog Cholera and cures it if promptly used. Because of its tonic and regulative properties, Young Pigs will grow * * * free from disease."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ground plant material, salt, charcoal, sulphur, and a small amount of an iron compound.

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing in the above-quoted label, regarding the curative or therapeutic effect of said article, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9547. Misbranding of Metzger's catarrh remedy and Spede Oil. U. S. * * * v. George Franklin Metzger (Metzger Medicine Mfg. Co.). Plea of *nolo contendere*. Fine, \$10. (F. & D. No. 14522. I. S. Nos. 24765-r, 24458-r.)

On June 13, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Franklin Metzger, trading as the Metzger Medicine Mfg. Co., Bethlehem, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 16, 1920, and April 25, 1919, from the State of Pennsylvania into the State of Ohio, of quantities of Metzger's catarrh remedy and Spede Oil which were misbranded.

Analysis of a sample of the catarrh remedy by the Bureau of Chemistry of this department showed that it consisted essentially of iodid, a mercuric compound, gentian, alcohol (43.69 per cent by volume), and water. Analysis of a sample of the Spede Oil by the said bureau showed that it consisted essentially of gasoline, oil of eucalyptus, methyl salicylate, menthol, camphor, and ether.

Misbranding of the catarrh remedy was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and contained in the booklets inclosed in the cartons containing the article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for catarrh, catarrh of the nasal cavity, chronic or ulcerative, catarrh

of the eye, ear, throat, stomach, bowels, and bladder, hay fever, catarrh in every form, nasal catarrh, catarrh of the womb and of the bronchial or eustachian tubes, lungs, and wherever else there is mucous membrane, catarrh of the small intestines, dyspepsia, for rhinitis, catarrh of the nose and frontal sinuses, for conjunctivitis, otitis, tonsilitis, pharyngitis, laryngitis, bronchitis, spitting of blood, capillary bronchitis, congestion of the lungs, pulmonitis, lobar pneumonia, stomatitis, oesophagitis, gastritis, duodenitis, hepatitis, pancreatitis, enteritis, appendicitis, colitis, proctitis, endocarditis, nephritis, Bright's disease, chronic diarrhea, ringing noises in the head, cracklings in the ears, loss of memory, headaches, bronchial catarrh, hacking cough, and eczema and deafness from catarrh, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article contained alcohol and the label on the bottle failed to state the quantity and proportion of alcohol contained therein. Misbranding of the Spede Oil was alleged in substance for the reason that certain statements regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons containing the article and in the circulars inclosed in said cartons, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for gout, pleurisy, sore throat, headache, lumbago, scalds and burns, swellings, cuts, sprains, wounds, chillblains, frost bites, frozen feet, bites and stings of poisonous insects, inflammation of the breast, sore feet, weak ankles and joints, hay fever, tonsillitis, inflammations, itching piles, blood poisoning, cold in the head and lungs, inflammatory rheumatism, and for all pains anywhere on the body, when, in truth and in fact, it was not.

On June 13, 1921, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9548. Misbranding of Egyptian regulator tea. U. S. * * * v. 60 Packages of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14646. Inv. No. 27132. S. No. C-2876.)

On or about March 21, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 packages of Egyptian regulator tea, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on or about March 3 and May 29, 1920, by the McCullough Drug Co., Lawrenceburg, Ind., and transported from the State of Indiana into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of senna, coriander, triticum, licorice root, ginger, sambucus, cinnamon, and taraxacum.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative and therapeutic effect, (circular) "Egyptian Regulator Tea * * * A Speedy and Positive relief for * * * Dyspepsia. Liver Complaint, Sick Headache, Nervousness. * * * Nature's Own Gift To Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, Whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running

Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs, * * * Heart Troubles, Paralysis, Rheumatism, Gout, * * * apoplexy * * *, (wrapper) "Egyptian Regulator Tea A Remedy For * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney trouble. * * * An Excellent Remedy For * * * Dyspepsia, * * * Rheumatism, Nervousness, Liver Complaints, Sick Headache, Also Corpulency, Etc. * * *, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On or about April 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9549. Adulteration of catsup. U. S. * * * v. Valentine G. Spindler (V. G. Spindler). Plea of guilty. Fine, \$150 and costs. (F. & D. No. 14730. I. S. No. 13201-r.)

On June 15, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Valentine G. Spindler, trading as V. G. Spindler, Halethorpe, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 5, 1920, from the State of Maryland into the State of Rhode Island, of a quantity of catsup which was adulterated. The article was labeled in part, "Halethorpe Brand Catsup * * * Packed By V. G. Spindler Halethorpe, Md. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was made from moldy tomatoes.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 15, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9550. Adulteration and misbranding of gelatin. U. S. * * * v. 200 Pounds * * * of Alleged Gelatin. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 10818. I. S. No. 12429-r. S. No. C-1340.)

On July 3, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 pounds, more or less, of alleged gelatin, remaining in the original unbroken packages at Bucyrus, Ohio, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo. on or about April 16, 1919, and transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Gelatine * * *."

Adulteration of the article was alleged in the libel for the reason that glue had been mixed and packed with, and substituted wholly or in part for, gelatin,

and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, zinc, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the article was labeled "Gelatine," which statement was false and misleading and deceived and misled the purchaser.

On October 13, 1919, the case having come on for final disposition, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

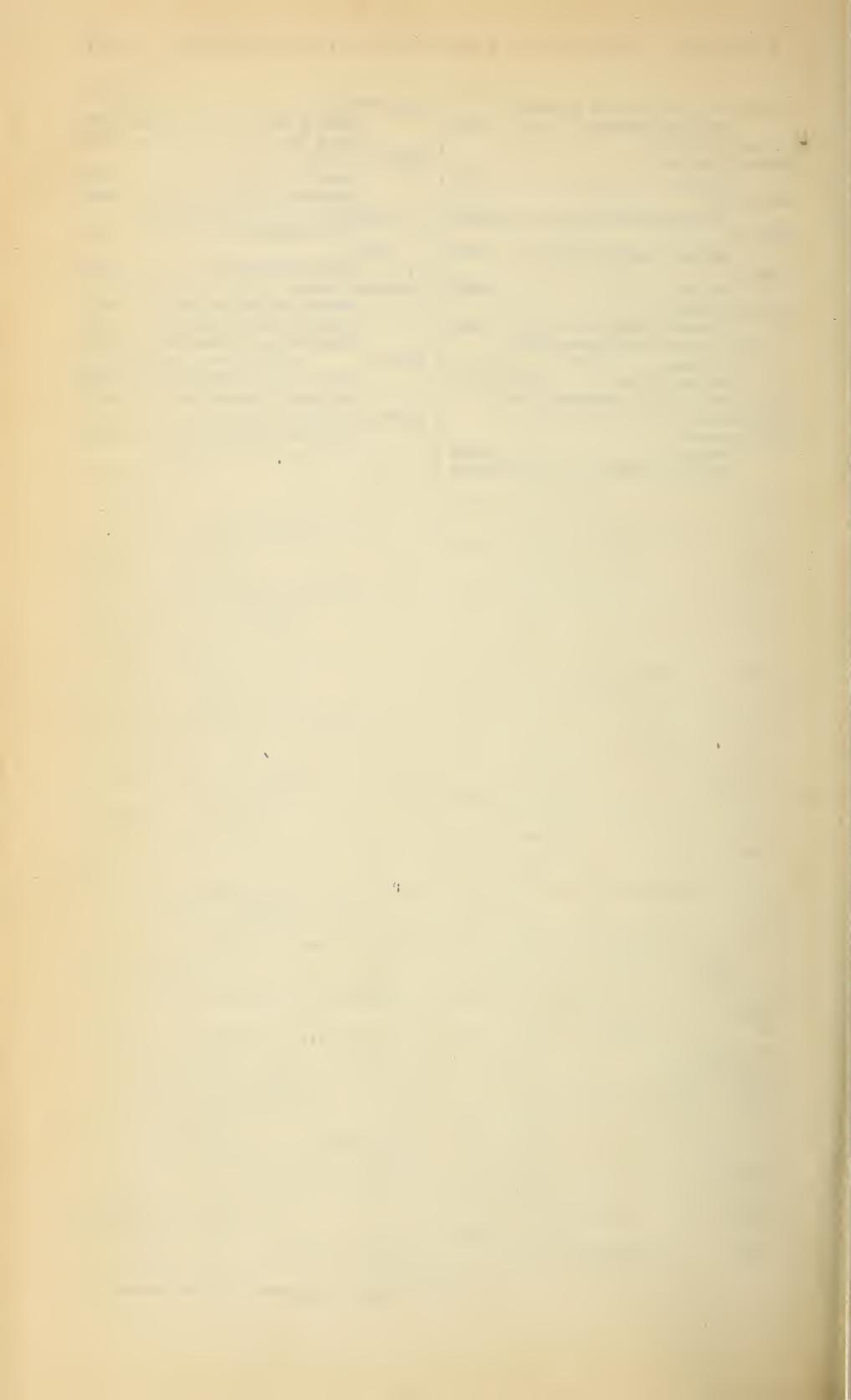
C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 9551-9600.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 26, 1921.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

9551. Misbranding of 4-11-44 capsules and injection. U. S. * * * v. One Gross Boxes of 4-11-44 Capsules and One Gross Bottles of 4-11-44 Injection * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10849. I. S. No. 7944-r. S. No. C-1377.)

On July 16, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one gross boxes of 4-11-44 capsules and one gross bottles of 4-11-44 injection, remaining in the original unbroken packages at Akron, Ohio, alleging that the articles had been shipped by A. J. Benson, Pottsville, Pa., on or about June 6, 1919, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The capsules were labeled in part: (Cartons) "4-11-44 Capsules It Drives The Poison From You, Leaving The Parts In A Healthy Condition * * * Causes No Stricture * * * Safe And Speedy Compound For Clap, Gonorrhoea, Gleet Or Any Discharge From Urinary Organs Warranted A Sure Relief For Clap, No Matter How Long Standing, In A Few Days. * * *." (Similar statements contained in circular accompanying the product.) The injection was labeled in part: (Cartons) "4-11-44 Injection The Great Gonorrhoea or Clap Injection Nature's Marvelous Remedy which invariably relieves Clap, Gleet or any discharge from the Male Genital Organs A Positive Relief from these Diseases in all stages * * * can at all times be used with safety in the prevention of the above. This Injection will relieve and prevent Stricture * * *; (circular) "Gonorrhoea or Clap * * * should now be treated by local applications * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the capsules contained cubeb, copaiba, and small amounts of magnesium oxid and alum, and that the injection was a dilute aqueous solution of zinc sulphate and salt.

Misbranding of the articles was alleged in substance in the libel for the reason the above-quoted statements appearing on the cartons and in the accompanying circulars were false and fraudulent in that the said articles contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On July 27, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9552. Misbranding of American hog remedy. U. S. * * * v. Chauncey A. Jones, Kittie Zeutervan, Philip E. Prouse, and Clyde Miller (American Remedy Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 11395. I. S. No. 12201-r.)

On February 24, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chauncey A. Jones, Medina, Ohio, Kittie Zeutervan, Bloomville, Ohio, Philip E. Prouse, Tiffin, Ohio, and Clyde Miller, Republic, Ohio, trading as the American Remedy Co., Tiffin, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about February 14, 1919, from the State of Ohio into the State of Kentucky, of a quantity of American hog remedy which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of charcoal, salt, ferrous sulphate, magnesium sulphate, and unidentified, finely-ground organic material, with a small amount of nux vomica indicated.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects thereof, appearing on the labels of the packages containing the said article, falsely and fraudulently represented it to be effective as a preventive, treatment, remedy, and cure for hog cholera, inflammatory diseases peculiar to swine, and all contagious diseases peculiar thereto, and effective to expel worms therefrom, to purify the blood and produce rapid growth, and to prepare pigs for market in a much shorter time, whereas, in fact and in truth, it was not.

On March 26, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9553. Misbranding of Capitol hog remedy. U. S. * * * v. Capitol Food Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 11430. I. S. Nos. 14931-r, 14932-r.)

On January 18, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Capitol Food Co., a corporation, Tiffin, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 3 1918, from the State of Ohio into the State of Pennsylvania, of a quantity of Capitol hog remedy which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sodium sulphate, sodium chlorid, charcoal, small amounts of nux vomica, alkaloids, ferrous sulphate, and plant material. Iron oxid was present in one of the samples analyzed.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeu-

tic and curative effects thereof, appearing on the labels of the packages containing the article and in a booklet contained in said packages, falsely and fraudulently represented that it was effective as a treatment, remedy, cure, or preventive of hog cholera, inflammatory diseases peculiar to swine, and all contagious diseases of swine, that it would purify the blood of swine, expel worms, prevent diseases of hogs and insure health to hogs, and would prepare hogs for the market in a very short time, when, in truth and in fact, it did not contain ingredients effective for the purposes named.

On March 26, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9554. Misbranding of Ludlum's specific paste. U. S. * * * v. 10½ Dozen

* * * **Packages of Ludlum's Specific. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 11541. I. S. No. 8387-r. S. No. C-1612.)

On December 1, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10½ dozen packages of Ludlum's specific paste, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by C. O. Chestnut & Co., Danville, Ill., on or about February 10 and March 7 [17], 1919, respectively, and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "Dr. Ludlum's Paste for Gonorrhœa and Complaints of the Organs of Generation. Dr. Ludlum's Paste For Gonorrhœa. * * * Generally, from one to three boxes is sufficient for cases from one to eight weeks' standing and those of several months' standing, one or two more boxes * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of cubeb, copaiba, rosin, and oil of sassafras.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding its curative and therapeutic effects were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 27, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9555. Misbranding of Wade's Combination Gon-Kure. U. S. * * * v.

17 Packages * * * of Wade's Combination Gon-Kure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11679. I. S. No. 8391-r. S. No. C-1601.)

On November 22, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 packages of Wade's Combination Gon-Kure, remaining in the original unbroken packages at Bucyrus, Ohio, alleging that the article had been shipped by the Gem Medicine Co., St. Louis, Mo., on or about August 21, 1919, and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Wade's Combination * * * Gon-Kure * * *;" (boxes) " * * * Cystine Tablets for bladder and urinary affec-

tions * * * A prompt relief for acute or chronic cystitis and for urinary discharges of a chronic or contagious nature * * *; (leaflet) "Gonorrhœa (commonly called Clap) * * * Cystitis In the second stage of Gonorrhœa, the patient is often annoyed by Cystitis * * * Gleet * * * Gonorrhœa and Gleet.—In the ordinary case of Gonorrhœa, where no complications are present, use the Injection three or four times a day. * * * Take the Cystine Tablets three times a day, * * * Cystitis * * * In this condition we recommend the patient to take one of the Cystine Tablets every three hours until relief is felt, and use the injection only once or twice a day. After the Cystitis is relieved, the discharge will most likely become more free. Then follow the above directions under the heading 'Gonorrhœa and Gleet.' * * * Gon-Kure injection does not burn, or cause pain, but on the contrary it soothes, cools, and allays the inflammation promptly. * * * Wade's Cystine Tablets are not given as a cure for Gonorrhœa but are recommended as a very valuable aid to a cure, when used with the Injection. The purpose of the Cystine Tablets is to produce a free flow of urine, eliminate the acid from the urine, thus stopping the burning on urinating, and to prevent Cystitis, or relieve it when already present. These tablets help to flush the urethral canal from the bladder out, and exert a very beneficial tonic and healing influence on the entire inflamed mucous surface. We, therefore, recommend that the patient use Wade's Cystine Tablets as directed, in All cases, whether acute or chronic. These tablets contain nothing which will derange the stomach, but are very valuable for bladder and urinary troubles."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of two preparations, tablets and an injection. The tablets contained magnesium carbonate, resins of copaiba and cubeb, and oil of sandalwood, and were coated with a mixture of sugar, calcium carbonate, and iron oxid. The injection was an aqueous solution of glycerin and small amounts of boric acid, zinc sulphate, phenol, menthol, and alkaloids of hydrastis.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 27, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9556. Adulteration and misbranding of No-Vary Quality fruit preserves.
U. S. * * * v. Best-Clymer Mfg. Co., a Corporation. Plea of
nolo contendere. Fine, \$50 and costs. (F. & D. No. 12304. I. S. Nos.
2516-r, 2517-r, 2518-r, 2519-r, 2520-r.)

On April 28, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Best-Clymer Mfg. Co., a corporation, having a place of business at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 12, 1919, from the State of Missouri into the State of Wyoming, of a quantity of fruit preserves which were adulterated and misbranded. The articles were labeled in part: "No-Vary Quality * * * Fruit Preserves * * * Distributed By No-Vary Products Co. Minneapolis Minn Winnipeg Canada Distributors Combination Of 55% Granulated Sugar 14% Peaches" (or "Raspberries," "Plums," "Strawberries," or "Blackberries") "31% Apple Juice."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained glucose and added phosphoric acid or compounds thereof.

Adulteration of the articles was alleged in the information for the reason that substances, to wit, glucose or starch sugar and phosphoric acid or compounds thereof, had been substituted in whole or in part for fruit preserves, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Fruit Preserves * * * Combination of 55% Granulated Sugar 14% Peaches" (or "Raspberries," "Plums," "Strawberries," or "Blackberries") "31% Apple Juice," borne on the label attached to the jars containing the articles, regarding them and the ingredients and substances contained therein, were false and misleading in that they represented that said articles were fruit preserves and that they were combinations of 55 per cent of granulated sugar, 14 per cent of peaches, raspberries, plums, strawberries, or blackberries, as the case might be, and 31 per cent of apple juice, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said articles were fruit preserves and that they were combinations of 55 per cent of granulated sugar, 14 per cent of peaches, raspberries, plums, strawberries, or blackberries, as the case might be, and 31 per cent of apple juice, whereas, in truth and in fact, they were not, but were mixtures composed in part of glucose or starch sugar and added phosphoric acid or compounds thereof.

On May 11, 1921, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9557. Adulteration of frozen chickens. U. S. * * * v. Arthur L. Fuller, John Schalker, jr., Sam Porter, and Fred Potter (Fuller Produce Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 12325. I. S. No. 5767-r.)

On August 24, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur L. Fuller, John Schalker, jr., Sam Porter, and Fred Potter, trading as the Fuller Produce Co., Leavenworth, Kans., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 10, 1919, from the State of Kansas into the State of Missouri, of a quantity of frozen chickens which were adulterated.

Examination of the consignment by the Bureau of Chemistry of this department showed appearances ranging from good to very dark green, generally very dark with offensive odor, indicating decomposition. Examination of 50 chickens representing the lot showed that approximately 60 per cent in frozen state were in whole or in part decomposed and absolutely unfit for food; the balance were seriously contaminated and would show decomposition in more or less degree on thawing out. Many chickens were rotten, soft, and slimy in a temperature of 12° F. above zero for 96 hours. Others showed evidence of having spoiled before last freezing.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On October 12, 1920, the defendants entered pleas of guilty to the information, and the court imposed fines of \$25 each and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9558. Misbranding of Red Cross tansy pills. U. S. * * * v. 3 Packages * * * of Red Cross Tansy Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13748. I. S. No. 1224-t. S. No. C-2529.)

On or about October 5, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 packages, more or less, of Red Cross tansy pills, at Findlay, Ohio, alleging that the article had been shipped by the Norman Lichty Mfg. Co., Des Moines, Iowa, on or about April 26, 1920, and transported from the State of Iowa into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * Relieves Cases of obstructions of long standing and the regulation of Female Complaint;" (circular) " * * * Sure Relief in cases of obstructions of long standing and the Regulation of all Female Complaints. * * * safe and sure as a monthly regulator. * * * Suppression of menstruation * * * The object of this remedy is to relieve this abnormal condition, and long experience in its use has demonstrated beyond a doubt its efficacy. * * * no experiment but an assured success, and all who require a remedy of this kind should use Red Cross Tansy Pills. * * * For Suppressed Menstruation, for painful Menstruation, and a Preventive for Irregular Menstruation."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of ferrous sulphate and plant extractives, including aloes.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 19, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9559. Misbranding of Kuhn's rheumatic remedy. U. S. * * * v. 29 Bottles of Kuhn's Rheumatic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14603, 14604. Inv. Nos. 27398, 27399. S. Nos. C-2850, C-2851.)

On March 10, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 29 bottles of Kuhn's rheumatic remedy, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Kuhn Remedy Co., Chicago, Ill., on or about October 29, 1920, and March 22, 1918, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: (Bottles) "Kuhn's Rheumatic Remedy;" (bottle and carton) " * * * Rheumatic Remedy * * * Rheumatism, Neuralgia, Lumbago, Sciatica or Gout * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, iodine, a small amount of plant extractives, aromatics, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the remedy were false and fraudulent, since the article contained no ingredient or combination thereof capable of producing the effects claimed.

On April 29, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9560. Misbranding of Devonia mineral water. U. S. * * * v. 773 Cases * * * of Devonia Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11078. I. S. No. 7191-r. S. No. C-1415.)

On August 21, 1919, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 773 cases, each containing 12 bottles, of Devonia mineral water, consigned by the Devonian Mineral Springs Co., Lorain, Ohio, May 31, 1919, remaining unsold in the original packages at Louisville, Ky., alleging that the article had been shipped from Lorain, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Devonia-Nature's Medicine A remarkable combination of natural curative agents. Restores the bodily functions to their natural working order * * *;" (wrapper around bottle) "Contents Average 32 Fluid Ounces Devonian Devonia Aqua Remedium Spring Mineral Water * * * a natural tonic and reconstructor, * * * Indicated in: Chronic Indigestion, Constipation, Dyspepsia, Rheumatism, * * * Nervous Debility, * * * High Blood Pressure, Hardening of the Arteries * * * Devonian Mineral Springs Co., Lorain, O. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

| Anhydrous salts. | Grains in 1 U. S. gallon. |
|--|------------------------------|
| Ammonium chlorid. | 3.207 |
| Potassium chlorid | |
| Sodium chlorid | 2,866.026 |
| Sodium nitrite | Absent. |
| Sodium nitrate | None. |
| Magnesium chlorid. | 1,276.413 |
| Calcium chlorid | 2,301.830 |
| Calcium sulphate | 57.448 |
| Calcium bicarbonate | 5.140 |
| Ferrous bicarbonate | .076 |
| Alumina (Al_2O_3) | 5.491 |
| Iron and sulphur (in suspension) (Fe_2O_3) | .012 |
| Hydrogen sulphid gas | 5.549 |
| Total | 6,521.192 |

Misbranding of the article was alleged in substance in the libel for the reason that the package or label thereof bore and contained certain statements, designs, and devices regarding the curative or therapeutic effect of the said article, which were false and fraudulent in that they represented the said article to be a natural tonic and reconstructor, a combination of healing properties bottled at the well without doctoring or alteration of any kind, that it assisted nature to adjust itself by putting the functions of the body in normal condition, that it was indicated in chronic indigestion, constipation, dyspepsia, rheumatism, neuralgia, nervous debility, neurasthenia, high blood pressure, hardening of the arteries (arteriosclerosis), and anemia, that it was effective in skin and blood and scalp affections, and a valuable remedy for catarrhal conditions, and would restore functions of the human body to working order. Misbranding was alleged for the

further reason that the said label was false and misleading with respect to the amount of ammonium chlorid, sodium chlorid, magnesium chlorid, calcium chlorid, calcium sulphate, calcium bicarbonate, ferrous bicarbonate, and alumina, as well as with respect to the total amount of dissolved mineral matter contained. Misbranding was alleged in substance for the further reason that the label was not plainly and conspicuously marked to evidence the true quantity of the contents of the said bottles.

On January 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9561. Adulteration and misbranding of red kidney beans. U. S. * * * v. 17 Cases, 170 Cases, and 176 Cases * * * of So-Called Red Kidney Beans. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12218, 12219, 12220. I. S. Nos. 8764-r, 8765-r, 8766-r. S. Nos. C-1767, C-1768, C-1769.)

On February 24, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 17 cases, 170 cases, and 176 cases, more or less, of so-called red kidney beans, remaining unsold in the original unbroken packages, in part at Wichita and in part at Winfield, Kans., alleging that the article had been shipped by the Marshall Canning Co., Marshalltown, Iowa, on or about September 18, September 25, and December 11, 1919, respectively, and transported from the State of Iowa into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Uncle William Brand Red Kidney Beans * * * Packed by Marshall Canning Company, Marshalltown, Iowa."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged for the reason that the above-quoted labeling and the design of red kidney beans, appearing on the cans and cases containing the article, were false and misleading and calculated to deceive and mislead the purchaser into the belief that the said article was red kidney beans, when, in truth and in fact, it was long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of, and was sold under the distinctive name of, another article.

On March 14, 1921, the Marshall Canning Co., Marshalltown, Iowa, having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act, conditioned in part that the product be rebranded so as to show its true nature and character.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9562. Adulteration and misbranding of red kidney beans. U. S. * * * v. 971 Cases * * * of Red Kidney Beans * * *. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12224. I. S. No. 8578-r. S. No. C-1811.)

On March 2, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 971 cases, more or less, of red kidney beans, consigned by the J. T. Polk Co., Greenwood, Ind., remaining unsold in the original unbroken packages at Danville, Ill., alleging that the article had been shipped from Greenwood, Ind., on or about August 5, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Polk's Best Red Kidney Beans * * * Superior Quality J. T. Polk Co., Greenwood, Indiana Distributors."

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged in substance for the reason that the statement on the cans containing the article, "Best Red Kidney Beans," together with a design of a dish containing red beans, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On October 27, 1920, the J. T. Polk Co., Greenwood, Ind., having entered an appearance as claimant for the property and having shown no reason why the product should not be condemned and confiscated, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9563. Adulteration of tomato pulp. U. S. * * * v. 152 Cases * * * of * * * Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12610. I. S. No. 10809-r. S. No. C-1900.)

On April 23, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 152 cases, more or less, of tomato pulp, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about October 21, 1919, and transported from the State of Indiana into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "American Beauty Brand * * * Whole Tomato Pulp Austin Canning Co., Austin, Ind."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances.

On September 25, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9564. Misbranding of Texas Brand cottonseed cake or meal. U. S. * * * v. Elgin Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12883. I. S. No. 11972-r.)

On August 12, 1920, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Elgin

Cotton Oil Co., a corporation, Elgin, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 24, 1918, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake or meal which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 40.25 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein not less than 43%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 43 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, the said article contained less than 43 per cent of protein, to wit, approximately 40.25 per cent.

On January 24, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9565. Misbranding of Monarch cow feed. U. S. * * * v. Monarch Mills Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 13166. I. S. No. 586-r.)

On November 16, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Monarch Mills Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 24, 1919, from the State of Tennessee into the State of Florida, of a quantity of Monarch cow feed which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 22.89 per cent of crude fiber. Examination of a sample by said bureau showed that it contained wheat bran and probably wheat shorts, alfalfa, cottonseed meal, and peanut meal. No velvet bean meal and probably not more than a trace, if any, of peanut vine meal were present.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Fibre 15 per cent * * * Made from Wheat Shorts, Wheat Bran, Cotton Seed Meal, Peanut Meal, Velvet Bean Meal, Peanut Vine Meal, Alfalfa Meal, 1% Salt," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not more than 15 per cent of fiber, and that it contained an appreciable quantity of velvet bean meal and peanut vine meal, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not more than 15 per cent of fiber, and that it contained an appreciable quantity of velvet bean meal and peanut vine meal, whereas, in truth and in fact, it contained more than 15 per cent of fiber, to wit, 22.89 per cent of fiber, and only a trace, if any, of velvet bean meal and peanut vine meal.

On May 15, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9566. Adulteration and misbranding of Muscato. U. S. * * * v. Certain Cases of Muscato. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 13415, 13416, 13417, 13419, 13420, 13421. I. S. No. 9751-t. S. No. E-2526.)

On August 24, 1920, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain cases of Muscato, at San Juan, P. R., alleging that the article had been shipped by the Ozone Spring Water & Beverage Co., New Orleans, La., on or about July 2, 1920, and transported from the State of Louisiana into the island of Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, " * * * Bottled By The Ozone Spring Water & Beverage Co., Inc. New Orleans, La., U. S. A."

Adulteration of the article was alleged in the libels for the reason that imitation grape products, colored in a manner whereby inferiority had been concealed, had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the statements on the label, to wit, "This Is Not A Carbonated Beverage Being A Grape Drink Served * * * In The Same Manner As Any Grape Juice Is Served. Muscato. 'You Taste The Grape,'" and designs showing grapevine and grapes, were false and misleading and deceived and misled the purchaser thereof, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, grape drink.

On January 15, 1921, the Ozone Spring Water & Beverage Co., Inc., New Orleans, having entered an appearance as claimant for the property and having consented to decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9567. Misbranding of pickles. U. S. * * * v. 9 Cases of Pickles. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13845. I. S. No. 11255-t. S. No. C-2567.)

On or about November 3, 1920, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases of pickles, remaining unsold in the original unbroken packages at Mobile, Ala., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., June 15, 1920, and transported from the State of California into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Del Monte Brand Quality Sour Mixed Pickles. Net Weight 12 Oz. Drained Weight 8½ Oz. * * * California Packing Corporation. * * * San Francisco California."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly, conspicuously, and correctly marked on the outside of the package, in that the average net weight of the said article instead of being 12 ounces as labeled was 10.79 ounces, and the average drained weight instead of being 8½ ounces as labeled was 6.21 ounces.

On November 20, 1920, the California Packing Corp., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and

It was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9568. Adulteration and misbranding of pie filling. U. S. * * * v. 1,200 Packages and 1,200 Packages of Jewel Brand Lemon Flavor Pie Filling Compound. Decree ordering product released under bond upon payment of costs by claimant, and case dismissed. (F. & D. Nos. 14189, 14190. I. S. Nos. 3562-t, 3563-t. S. Nos. C-2666, C-2669.)

On January 12 and 13, 1921, respectively, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2,400 packages of Jewel Brand lemon flavor pie filling compound, remaining in the original unbroken packages at St. Paul and Minneapolis, Minn., respectively, alleging that the article had been shipped by the Jewel Tea Co., Chicago, Ill., June 16 and July 9, 1920, respectively, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: " * * * Jewel Brand Lemon Flavor Pie Filling Compound * * * Jewel Tea Co., Inc. Headquarters New York, New Orleans, Chicago, San Francisco * * *."

Adulteration of the article was alleged in the labels for the reason that an artificially colored product consisting essentially of cornstarch, sugar, gelatin, and citric acid, and containing no eggs, had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Lemon Flavor Pie Filling," was false and misleading and deceived and misled the purchaser, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 28 and May 31, 1921, respectively, the Jewel Tea Co., Inc., having entered its claim and answer and the case having come on for final disposition, decrees were entered ordering that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act, conditioned in part that the said product be relabeled in a manner satisfactory to this department, and that the action be dismissed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9569. Adulteration and misbranding of Citronol. U. S. * * * v. 4 Five-Gallon Cans of Citronol * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14393. I. S. No. 4061-t. S. No. C-2702.)

On February 9, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 five-gallon cans of Citronol, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped by Ad. Seidel & Sons, Chicago, Ill., on or about August 10, September 1, October 6, and November 13, 1920, respectively, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Lemon flavor) "This flavor is absolutely pure, it is uncolored and complies with the Pure Food Laws of all States. We guarantee it not to bake out. Prepared only by Ad. Seidel & Sons, Manufacturing Chemists,

Importers and Jobbers, Office Works and Laboratories 1245-1257 Garfield Ave., Chicago."

Adulteration of the article was alleged in substance in the libel for the reason that a certain substance, to wit, mineral oil, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article, to wit, lemon flavor prepared with alcohol or edible oils. Adulteration was alleged for the further reason that the article was colored by coal-tar dyes in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the cans containing the article bore the above-quoted statements regarding the ingredients contained therein, which were false and misleading in that the said article did not consist of edible oils with lemon flavor, but consisted of nonedible mineral oils with lemon flavor, and for the further reason that the article was labeled so as to deceive and mislead the purchaser to believe that the article consisted of edible oils with lemon flavor, when in fact it was nonedible mineral oil with lemon flavor. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, namely, Citronol, that is to say, an article consisting of edible oils with lemon flavor, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On June 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9570. Misbranding of Dr. Blackman's Medicated Salt Brick. U. S. * * * v. 50 Cases of Blackman's Medicated Salt Brick. Product released under bond and case dismissed. (F. & D. No. 9227. I. S. No. 6634-r. S. No. C-951.)

On August 13, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on November 4, 1918, an amended libel, for the seizure and condemnation of 50 cases of Blackman's Medicated Salt Brick, at Little Rock, Ark., consigned by the Blackman Stock Remedy Co., Chattanooga, Tenn., in part on May 9 and in part on May 22, 1918, alleging that the article had been shipped from Chattanooga, Tenn., and transported from the State of Tennessee into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Dr. Blackman's Medicated Salt Brick * * * Manufactured by Blackman Stock Remedy Co., Chattanooga, Tenn. * * *; "A Worm Medicine Blood Purifier Kidney Regulator * * * For * * * Cattle * * * Hogs And Pigs * * * As A Preventive."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of salt with small amounts of nux vomica, sulphur, nitrate, and an iron compound.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the above-quoted statement that the product was meritorious as a preventive was false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the preventive effects claimed.

On April 29, 1919, the Blackman Stock Remedy Co., Chattanooga, Tenn., having entered an appearance as claimant for the property, it was ordered by the court that upon payment of the costs of the proceedings and the execu-

tion of a good and sufficient bond, the product be released to said claimant and the case be dismissed, and it was further ordered by the court that the said product be relabeled to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9571. Misbranding of B. A. Thomas' hog powder. U. S. * * * v. 21
Two-Pound Cartons and 4 Five-Pound Sacks, et al., of Hog Powder.
Default decree of condemnation, forfeiture, and destruction. (F. &
D. Nos. 9253, 9254, 9255, 9256, 9257. I. S. Nos. 6601-r, 6602-r, 6603-r, 6604-r,
6605-r. S. Nos. C-952, C-953, C-954, C-955, C-956.)**

On or about August 15, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of approximately 73 two-pound cartons and 22 five-pound sacks of hog powder, at Morrillton, Solgahachia, Hattieville, Cleveland, and Old Hickory, Ark., respectively, consigned March 23, March 27, April 9, April 22, and May 18, 1918, respectively, alleging that the article had been shipped by the Old Kentucky Mfg. Co., Paducah, Ky., and transported from the State of Kentucky into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sodium chlorid, magnesium sulphate, iron oxid and sulphate, and calcium salts.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects thereof, appearing on the cartons and bags, respectively, (carton) " * * * B. A. Thomas' Improved Hog Powder As a preventive for Cholera and Swine Plague, * * * When the hogs are sick * * * give to each hog from two to four tablespoonfuls of Hog Cholera twice a day, * * * follow these directions and you will have satisfactory results. * * * is a safe and effective remedy for diseases of hogs. * * * during a general epidemic of hog cholera which has spread to his own herd and he first used this remedy with such splendid effect that he did not lose a single hog. Although a number were past eating and were apparently in a hopeless condition * * * a remedy for cholera, swine plague * * * it has been subjected to the most severe tests in some of the worst epidemics of hog cholera ever known, and wherever used as directed it has proved as equally successful * * *," (bag) "An effective remedy for Hog Diseases; * * * by removing the cause," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9572. Adulteration and misbranding of saccharin. U. S. * * * v. 10
Pounds of Saccharin. Default decree of condemnation, forfeiture,
and destruction. (F. & D. No. 9376. I. S. No. 16066-r. S. No. E-1130.)**

On October 4, 1918, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 pounds of saccharin, remaining in the original unbroken package at Greenville, S. C., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., August 15, 1918, and transported from the State of Missouri into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of saccharin and 48 per cent of sugar, and was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard, strength, quality, and purity of such article as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged in substance for the reason that the said article was labeled "10 Lbs. Sach." and invoiced as "10 Lbs. Saccharin," which was false and misleading in that it contained a considerable quantity of sugar.

On May 7, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9573. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 1,000 Cases of Canned Tomatoes. Consent decree finding product to be adulterated and misbranded. Product released under bond. (F. & D. No. 14217. I. S. Nos. 6301-t, 7507-t. S. No. E-3049.)

On January 20, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of canned tomatoes, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Libby, McNeill & Libby, Wyoming, Del., on or about May 27, 1920, and transported from the State of Delaware into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) " * * * Happy-Vale Brand Tomatoes * * * Guaranteed by and Packed for Emery Food Co. Main Office Chicago."

Adulteration of the article was alleged in the libel for the reason that it contained added tomato pulp, which had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement on the label of each can thereof, to wit, "Happy-Vale Brand Tomatoes," together with a design showing a whole ripe tomato, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 9, 1921, the Emery Food Co., Chicago, Ill., having filed its claim and answer admitting the allegations of the libel with the exception of the allegation relative to the adulteration of the product, and having consented to a decree, judgment was entered finding the product adulterated and misbranded, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,123, in conformity with section 10 of the act, conditioned in part that the article be relabeled by placing on each of the cans containing the same a label bearing the statement, "Tomatoes with Puree from Trimmings."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9574. Adulteration and misbranding of tankage. U. S. * * * v. MORRIS & CO., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 9303. I. S. No. 19715-m.)

On January 14, 1919, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court

of the United States for said district an information against Morris & Co., a corporation, trading at Omaha, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 8, 1916, from the State of Nebraska into the State of Iowa, of a quantity of tankage which was adulterated and misbranded. The article was labeled in part, “* * * Morris & Company's Big Brand Meat Meal Digester Tankage * * * Guaranteed Analysis Protein 60% * * *.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 47.44 per cent of protein. Mechanical examination showed the presence of approximately 0.16 per cent of ground glass that could be separated out.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, glass, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, and had been substituted in part for meat meal, which the article purported to be. Adulteration was alleged for the further reason that the article contained an added deleterious ingredient, to wit, glass, which rendered it injurious to health.

Misbranding was alleged for the reason that the statements, to wit, “Meat Meal,” “Guaranteed Analysis Protein 60%,” and “Meat Products,” borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article consisted wholly of meat products and that it contained not less than 60 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of meat products and that it contained not less than 60 per cent of protein, whereas, in truth and in fact, it did not consist wholly of meat products but did consist in part of glass, and the said article contained less than 60 per cent of protein, to wit, approximately 47.44 per cent.

On April 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

8575. Adulteration of shell eggs. U. S. * * * v. Buford W. Hayden (B. W. Hayden Poultry Co.). Plea of guilty. Fine, \$10. (F. & D. No. 12371. I. S. No. 2539-r.)

On July 23, 1920, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Buford W. Hayden, trading as the B. W. Hayden Poultry Co., Benkelman, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 18 and 20, 1919, respectively, from the State of Nebraska into the State of Colorado, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample consisting of 5 half cases or 900 eggs taken from both consignments of the product showed the presence of 157, or 17.4 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 7, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9576. Misbranding of Manhood pills and Women's pills. U. S. * * * v. **56 Boxes * * * of Manhood Pills and 4 Boxes * * * of Women's Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13810, 13811. Inv. Nos. 23522, 23523. S. No. C-2560.)

On October 22, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 56 boxes, more or less, of Manhood pills and 4 boxes, more or less, of Women's pills, remaining unsold in the original unbroken packages at Kansas City, Kans., alleging that the articles were shipped by the Fitzpatrick Drug Co., Helena, Ark., on or about September 9, 1920, and transported from the State of Arkansas into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Manhood pills consisted essentially of zinc phosphid, strychnine, and damiana, and that the Women's pills consisted essentially of alkaline carbonates, castile soap, and unidentified plant extractives.

Misbranding of the articles was alleged in substance in the libel for the reason that the following statements contained in the circular in each of the boxes of the so-called Manhood pills, to wit, " * * * Brings strong, healthy sexual power. Use them and be a man; everybody loves a man—nobody has any use for a 'thing.' They do the work—never fail. * * * Are you weak, nervous, shaky and unstrung? Are you impotent? Is your Sexual Power weak? * * * Manhood Pills Will cure all these troubles and make you a robust and 'stay there' man. Use them and enjoy life and have your companion enjoy your society. They are indeed 'courage' pills, as they give courage and happiness," and the following statements in the circular in each of the boxes of the so-called Women's pills, to wit, " Women's Pills Will bring the Menstrual periods regular * * * if the period should pass 3 days and menses do not come double the dose * * * Guaranteed by Phoenix Mfg. Co., Helena, Arkansas, under the Food and Drugs Act, June 30th, 1906, Serial No. 2935," regarding the therapeutic or curative effect of the said articles, were false and fraudulent in that the articles contained no ingredient or combination of ingredients capable of producing the effect claimed, and the said statements were applied to the articles so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that they were capable of producing the therapeutic effect claimed, when, in truth and in fact, they were not.

On January 5, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9577. Adulteration of fish flakes. U. S. * * * v. **93 Cases * * * of * * * Fish Flakes. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12874. I. S. No. 10795-r. S. No. C-1931.)

On June 11, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 93 cases, more or less, each containing 2 dozen cans, of fish flakes, remaining in the original unbroken packages at Salina, Kans., alleging that the article had been shipped by the Blackburn Brokerage Co., Kansas City, Mo., on or about May 5, 1919, and transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On October 9, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9578. Adulteration of tomato purée. U. S. * * * v. 49 Cases * * * of * * * Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12640. I. S. No. 10796-r. S. No. C-1939.)

On May 21, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 49 cases, more or less, of tomato purée, remaining unsold in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about October 21, 1919, and transported from the State of Indiana into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Scott Co. Brand Tomato Puree."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy and decomposed substance.

On September 27, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9579. Misbranding of dairy feed. U. S. * * * v. H. L. Halliday Milling Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 10047. I. S. No. 6110-r.)

On July 15, 1919, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. L. Halliday Milling Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 1 or June 24, 1918, from the State of Illinois into the State of Mississippi, of a quantity of dairy feed which was misbranded. The article was labeled in part: "* * * Halliday's Standard Dairy Feed * * * Guaranteed Average Analysis Protein 16% Fat 2½% * * * by H. L. Halliday Milling Co., Cairo, Illinois."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 1.60 per cent of fat and 11.5 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Average Analysis Protein 16% Fat 2½%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 16 per cent of protein and not less than 2½ per cent of fat, and for the further reason that the article was labeled so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein and not less than 2½ per cent of fat, whereas, in truth and in fact, it did contain less than 16 per cent of protein and less than 2½ per cent of fat, to wit, approximately 11.5 per cent of protein and approximately 1.60 per cent of fat.

On October 20, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9580. Misbranding of "The Home" rheumatism remedy. U. S. * * * v.
Mark H. Jackson. Plea of guilty. Fine, \$100. (F. & D. No. 12101.
I. S. Nos. 12567-r, 12936-r.)**

On July 30, 1920, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mark H. Jackson, Syracuse, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 18 and May 2, 1919, respectively, from the State of New York into the State of Massachusetts, of quantities of "The Home" rheumatism remedy which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed of aloes, licorice, cornstarch, and Blaud's mass, each tablet containing $\frac{1}{5}$ grain of ferrous carbonate.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the therapeutic and curative effects thereof, appearing in the circular accompanying the consignment of January 18, falsely and fraudulently represented it to be effective as a treatment, preventive, remedy, and cure for rheumatism, gout, lumbago, sciatica, and scrofula, and certain statements appearing on an envelope containing the product consigned on May 2 and on post cards accompanying this consignment falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, when, in truth and in fact, it was not.

On October 6, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9581. Adulteration and misbranding of egg noodles. U. S. * * * v.
237 Cases of Egg Noodles * * *. Consent decree of condemnation
and forfeiture. Product released under bond. (F. & D. No.
13001. I. S. No. 3444-r. S. No. W-622.)**

On July 6, 1920, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 237 cases of egg noodles, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped by the F. A. Martoccio Macaroni Co., Minneapolis, Minn., in March, 1920, and transported from the State of Minnesota into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "* * * Quality Brand Egg Noodles made from Semolina and Eggs * * *."

Adulteration of the article was alleged in substance in the libel for the reason that a product deficient in eggs had been mixed and packed with, and substituted wholly or in part for, egg noodles.

Misbranding was alleged for the reason that the statement on the label, "Egg Noodles," was false and misleading and deceived and misled the purchaser when applied to a product deficient in eggs, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On July 30, 1920, the F. A. Martoccio Macaroni Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled as "Plain Noodles" under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9582. Misbranding of Madame Dean female pills. U. S. * * * v. 10 Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13403. I. S. No. 3044-t. S. No. C-2206.)

On August 18, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 packages of Madame Dean female pills, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., August 13, 1919, and transported from the State of Pennsylvania into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box label and wrapper) "Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular, Scanty Menstruation;" (booklet) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in reestablishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine functions;" (circular) " * * * great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation, * * * continue their use until relieved * * * take * * * until the menstrual flow commences again. * * * Special Strength * * * should relieve the most obstinate cases."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of quinine, aloes, ferrous sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effect claimed, and would not, in fact, cure or relieve the complaints and ailments of women as above set forth.

On January 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9583. Misbranding of Nerv-Mintz. U. S. * * * v. 20 Packages of * * * Nerv-Mintz. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13424. I. S. No. 3045-t. S. No. C-2197.)

On August 20, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 packages of Nerv-Mintz, remaining in the original unbroken

packages at Knoxville, Tenn., alleging that the article had been shipped by the Earle Chemical Co., Wheeling, W. Va., July 7, 1919, and transported from the State of West Virginia into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box label) "Nerv-Mintz Nerve and Energy Tablets Especially A Nerve Strengthener * * * Soothe And Quiet The Nerves * * * Used For The Relief Of Nervousness, Loss Of Vigor, Energy and Ambition.—Lack of Confidence, Sleeplessness, Trembling, Nervelessness, Shifty Gait, Shattered Nerves, Exhausted Or Weakened Vitality, Mental Depression, Numbness, Weakening Habits, * * * And All Overworked And Unstrung Nerves Induced By Fast Living and Other Excesses * * * Useful in The Treatment Of Nervous Conditions Which Follow Too Strenuous Living, Mental And Physical Fatigue, And Other Excesses;" (circular) "Nerv-Mintz For Nervous Debility * * * Exceptionally Efficient In The Treatment Of Nervousness, Loss of Vigor, Energy and Ambition, Lack Of Confidence, Sleeplessness, Shifty Gait, Shattered Nerves, Weakened Or Exhausted Vitality, Mental Or Physical Depression, Weakening Habits, * * * And For All Overworked And Unstrung Nerves Induced By Fast Living And Other Excesses. * * * To all those who * * * suffer from the effects of fast living, over-work and the drains of present day strenuous excesses, Nerv-Mintz prove most wonderful rejuvenators, restoring the lost vitality you perhaps had thought was gone forever. Generally results are quick. * * * Keep up the treatment * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of sabal, nux vomica, aloin, capsicum, and zinc phosphid.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof were false, fraudulent, and misleading in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed, and would not cure or relieve the complaints and ailments as above set forth.

On January 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9584. Misbranding of Wade's Golden Nervine. U. S. * * * v. 12 Packages * * * of Wade's Golden Nervine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13427. I. S. No. 12390-f. S. No. C-2288.)

On September 2, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 packages of Wade's Golden Nervine, remaining unsold in the original packages at Columbus, Ohio, consigned by the McCullough Drug Co., Lawrenceburg, Ind., on or about June 14, 1920, alleging that the article had been shipped from Lawrenceburg, Ind., and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "Nervous Debility In Men And Women. * * * Insomnia * * * Nervous Headaches, Nervous Indigestion, Weak Heart, Etc. * * * Sexual Weakness in Men. * * * Alcoholic Excesses;" (bottle and carton labels) "For Lost Vigor, Nervous Debility, Insomnia, Weak Heart, Etc. * * * Restorative in all Nervous Conditions resulting from Excesses,

Worry, Overwork and to Promote and Restore Normal Conditions of Strength, Vigor and Vitality."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing, essentially, iron, phosphates, strychnine, and plant extractives, including damiana and gentian.

It was alleged in substance in the libel that the article was misbranded in that by reason of the above-quoted statements in the label of the packages and containers thereof the said article purported to contain and be a cure for certain diseases, disorders, and symptoms, and that the said statements were false and fraudulent in that the said article contained little or no ingredients capable of producing the curative and therapeutic effect claimed.

On February 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9585. Misbranding of Wendell's Ambition Brand pills. U. S. * * * v. 20 Large and 68 Small Size Packages * * * and 38 Small Size Packages * * * of Wendell's Pills Ambition Brand. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13501, 13502. I. S. Nos. 1215-t, 13299-t. S. Nos. C-2167, C-2172.)

On September 17, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 20 large and 68 small size packages and 38 small size packages, more or less, of Wendell's Ambition Brand pills, remaining unsold in the original packages at Columbus, Ohio, consigned on July 7, July 12, and August 2, 1920, respectively, alleging that the article had been shipped by the Wendell Pharmacal Co., Inc., Syracuse, N. Y., and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of quinine and plant extractives, including nux vomica and aloin.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the cartons containing the article, " * * * Pills Ambition Brand Beneficial in the treatment of * * * Nervous Debility, Sleeplessness, Despondency, Mental Depression, Hysteria, Nervous Headaches, Dyspepsia, Indigestion, * * * Affections of the Nervous System," were false and fraudulent in that the said article contained little or no ingredients capable of producing the curative and therapeutic effects claimed.

On February 12, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9586. Misbranding of Hooper's female pills. U. S. * * * v. 20 Packages * * * of Hooper's Female Green Seal Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13523. I. S. No. 12386-t. S. No. C-2392.)

On September 2, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 packages of Hooper's Green Seal female pills, consigned on or about February 5, 1920, remaining unsold in the original packages at Columbus, Ohio, alleging that the article had been shipped from New York,

N. Y., and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and ferrous sulphate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the circular and wrapper accompanying the said article, (circular) " * * * Female Pills * * * a safe and sovereign remedy in female complaints, * * * an Emmenagogue in producing Menstruation. * * * for the removal of irregularities. * * * are used * * * (except in cases of pregnancy) * * *," (wrapper) " * * * opening obstructions of the vessels * * * cure of disorders peculiarly incident to the Female Sex, * * * remedy against those general complaints the Female Sex are subject to; * * * cleanse, purify, and cause a free circulation of the blood, * * * open those obstructions which Virgins are liable to, * * * best * * * for * * * the irregularities, * * * for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath * * * scurvy * * * should be taken by all women at age of forty-five * * * to prevent those disorders which usually attend them at that time. * * * sovereign remedy * * * in all hypochondriac, hysterick, or vapourish disorders, * * * strengthen the nerves, * * * for * * * obstruction of * * * courses, * * * continue their use until the end is answered * * *," were false and fraudulent in that the said article contained little or no ingredients capable of producing the curative and therapeutic effect claimed.

On February 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9587. Adulteration and misbranding of vinegar. U. S. * * * v. 6 Barrels of * * * Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14133. I. S. No. 7839-t. S. No. E-3029.)

On January 3, 1921, the United States attorney for the Middle District of Pennsylvan'a, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 barrels of vinegar, remaining unsold in the original unbroken packages at Danville, Pa., alleging that the article had been shipped by J. C. Vosburgh, Palatine Bridge, N. Y., on or about October 30, 1920, and transported from the State of New York into the State of Pennsylvan'a, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (barrels) "New York State Pure Cider Vinegar * * *."

Adulteration of the article was alleged in the libel for the reason that waste vinegar had been mixed and packed with, and substituted wholly or in part for, pure cider vinegar, and for the further reason that it was mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement on the label, to wit, "Pure Cider Vinegar," was false and misleading and deceived and misled the purchaser into the belief that the said article was made from apples, whereas, in truth and in fact, it contained a waste vinegar product. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure cider vinegar.

On May 27, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9588. Adulteration and misbranding of vinegar. U. S. * * * v. 500 Cases of Alleged Apple Cider Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14145. I. S. No. 3567-t. S. No. C-2672.)

On January 8, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases of alleged apple cider vinegar, remaining in the original unbroken packages at Duluth, Minn., alleging that the article had been shipped by the Niagara C. & V. Co. (Niagara Cider & Vinegar Co.), Cohocton, N. Y., on or about August 25, 1920, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Contents 1 Pint * * * Blue Bird Apple Cider Vinegar * * *."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Contents 1 Pint * * * Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser, for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9589. Adulteration and misbranding of vinegar. U. S. * * * v. 51 Barrels, 7 Barrels, and 3 Barrels of * * * Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14139, 14158, 14240. I. S. Nos. 8201-t, 5827-t. Inv. No. 24405. S. Nos. E-3037, E-3045, E-3059.)

On January 5, 8, and 24, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 51 barrels, 7 barrels, and 3 barrels of vinegar, remaining unsold in the original unbroken packages at Scranton, Lock Haven, and Galeton, Pa., respectively, alleging that the 3 barrels thereof had been shipped from Elmira, N. Y., on or about September 29, 1920, and that the remainder had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., on or about August 7 and September 16, 1920, respectively, and that the various consignments had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (barrel) "Pure Cider Vinegar Steuben Brand Made From Apples * * *."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in

part for, pure cider vinegar, and for the further reason that the article was mixed with distilled vinegar in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement on the label, "Pure Cider Vinegar * * * Made From Apples," was false and misleading and deceived and misled the purchaser in that the product was not pure cider vinegar made from apples. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure cider vinegar.

On March 14, April 16, and June 25, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9590. Misbranding of beans. U. S. * * * v. Frank E. Van Citters (Decatur Produce Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 12321. I. S. Nos. 6830-r, 6831-r.)

On May 24, 1920, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank E. Van Citters, trading as the Decatur Produce Co., Decatur, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 23, 1919, from the State of Arkansas into the State of Texas, of quantities of string beans which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 15, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9591. Misbranding of Blumer's herb tea. U. S. * * * v. Lincoln Chemical Works, a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 12340. I. S. No. 8108-r.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lincoln Chemical Works, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 15, 1919, from the State of Illinois into the State of Nebraska, of a quantity of Blumer's herb tea which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture consisting essentially of althea, licorice, couch grass, sage, senna, elder flowers, sassafras, with small amounts of anise, fennel, melissa, American saffron, German chamomile, dandelion, liverwort, and a trace of lungwort. The weight of the contents of the boxes was 4.75 ounces, a shortage of 1.25 ounces from the declared weight, or 20.8 per cent.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Blumer's Golden Tonic Herb Tea Is an active Blood Purifier A powerful remedy against all Pulmonary Troubles, Colds, La Grippe. * * * The only remedy that is unsurpassed for Bladder And Kidney Diseases. * * * For Female Complaints and all chronic troubles * * * A Guaranteed Remedy used for Generations against all Stomach Complaints, Lung Troubles and Constitutional weaknesses," appearing on the

wrappers of the boxes containing the article, falsely and fraudulently represented it to be effective as an active blood purifier, as a remedy against all pulmonary troubles, colds, la grippe, bladder diseases, kidney diseases, as a remedy for female complaints and all chronic troubles, as a remedy against all stomach complaints, lung troubles, and constitutional weaknesses, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statement, "Contains 6 Oz.," borne on the wrappers of the said boxes, was false and misleading in that it represented that each of the boxes contained 6 ounces of the article, whereas, in truth and in fact, each of the said boxes did not contain 6 ounces of the article, but did contain a less amount.

On July 1, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9592. Misbranding of "Monarch" Brand cottonseed feed. U. S. * * * v. Monarch Mills, a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 12346. I. S. No. 10917-r.)

On June 30, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Monarch Mills, a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 11, 1919, from the State of Tennessee into the State of Kentucky, of a quantity of "Monarch" Brand cottonseed feed which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 18.20 per cent of protein, 24.40 per cent of crude fiber, and 2.75 per cent of ether extract (crude fat).

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 20 per cent Fat 3½ per cent Fibre 22 per cent," borne on the tags attached to the sacks containing the said article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 20 per cent of protein, not less than 3½ per cent of fat, and not more than 22 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent of protein, not less than 3½ per cent of fat, and not more than 22 per cent of fiber, whereas, in truth and in fact, said article did contain less protein and fat and more fiber than represented by said statement, to wit, approximately 18.20 per cent of protein and 2.7 per cent of fat, and approximately 24.40 per cent of fiber.

On November 9, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9593. Misbranding of Texas Wonder. U. S. * * * v. 144 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12383. I. S. No. 9683-r. S. No. C-1916.)

On May 3, 1920, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 144 bottles of Texas Wonder, at Waco, Tex., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about March 20, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative effect of the said article, appearing on the carton in which the bottles containing the article were inclosed and in an accompanying circular, to wit, (carton) " * * * A Remedy For Kidney and Bladder Troubles Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children * * *," (circular headed " Read Carefully ") " In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9594. Adulteration of sauerkraut. U. S. * * * v. 60 Barrels of Sauerkraut * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12395. I. S. No. 24757-r. S. No. C-1929.)

On May 3, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 barrels, more or less, of sauerkraut, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by Morris Keinin, Newark, N. Y., on or about December 19, 1919, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted of a decomposed vegetable substance.

On August 10, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9595. Adulteration and misbranding of sirup vinegar. U. S. * * * v. 55 Barrels * * * of Alleged Sirup Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12418. I. S. No. 24758-r. S. No. C-1935.)

On May 13, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 55 barrels, more or less, of alleged sirup vinegar, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the Vernon D. Price Co., Allegheny, Pa., on or about March 27, 1920, and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, " * * * Syrup Vinegar Reduced to 40 grain Guaranteed."

Adulteration of the article was alleged in substance in the libel for the reason that excess water had been mixed and packed with, and substituted wholly or in part for, sirup vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Syrup Vinegar," when applied to a product composed of vinegar and water, was false and misleading and deceived and misled the purchaser.

On August 16, 1920, the Vernon D. Price Co., Allegheny, Pa., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9596. Misbranding of Arthur's, Leslie's, and Thomas' emmenagogue pills.
 U. S. * * * v. 10 Packages * * * of Arthur's * * *, 10
 and 11 Packages * * * of Leslie's * * *, and 10 Packages
 * * * of Thomas' Emmenagogue Pills. Default decrees of con-
 demnation, forfeiture, and destruction. (F. & D. Nos. 13520, 13668.
 I. S. No. 457-t. Inv. Nos. 23510, 23511, 23512. S. Nos. C-2398, C-2487.)

On August 26 and September 10, 1920, respectively, the United States attorney for the Eastern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 packages of Arthur's, 10 packages and 11 packages of Leslie's, and 10 packages of Thomas' emmenagogue pills, remaining unsold in the original unbroken packages at Hugo and Tulsa, Okla., respectively, alleging that the articles had been shipped by the Palestine Drug Co., St. Louis, Mo., September 23 and December 26, 1919, respectively, and transported from the State of Missouri into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that all three products were pills containing aloes, ferrous sulphate, and plant extractives, coated with calcium carbonate and sugar.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects thereof, to wit, (box label) " * * * Em-
 menagogue Pills recommended for Ammenorrhea, Dysmenorrhea and other Menstrual Troubles. * * * Beginning Treatment * * * Before The Regular Monthly Period. * * * Continue * * * Until Relief Is Obtained," were false and fraudulent in that the said articles contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed.

On November 26, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9597. Misbranding of Bick's nerve tonic. U. S. * * * v. 11 Packages
 and 10 Packages * * * of Bick's Nerve Tonic. Default decrees
 of condemnation, forfeiture, and destruction. (F. & D. Nos. 13640,
 13676. I. S. No. 458-t. Inv. No. 23514. S. Nos. C-2472, C-2490.)

On September 10, 1920, the United States attorney for the Eastern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 11 packages and 10 packages of Bick's nerve tonic, remaining unsold in the original unbroken packages at Hugo and Tulsa, Okla., respectively, alleging that the article had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about September 23 and December 26, 1919, respectively, and transported from the State of Missouri into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of two preparations, brown tablets and

yellow pellets. The brown tablets consisted essentially of salts of zinc and iron, phosphates, and phosphorus. The yellow pellets consisted essentially of iron phosphate and strychnine.

Misbranding of the article was alleged in the libel for the reason that the labeling bore and contained certain statements regarding the curative and therapeutic effect thereof, to wit, " * * * Nerve Tonic * * * one of the best * * * treatments known for those nervous run-down conditions which cause so much mental worry. * * * For the treatment of weak and irritated conditions of the nervous system * * * manifested as * * * poor appetite, feeling of weakness, despondency, lack of tone in the system of both sexes and lack of energy * * *," which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On November 26, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9598. Misbranding of La Derma Vagiseptic Discs. U. S. * * * v. 10 Packages * * * of La Derma Vagiseptic Discs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13677. Inv. No. 23516. S. No. C-2491.)

On September 10, 1920, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 packages of La Derma Vagiseptic Discs, remaining in the original unbroken packages at Tulsa, Okla., alleging that the article had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about December 26, 1919, and transported from the State of Missouri into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the discs consisted essentially of sodium chlorid, a small amount of alum, sugar, starch, and talc.

Misbranding of the article was alleged in substance in the libel for the reason that the wrapper and circular accompanying the article bore the following statements regarding the curative and therapeutic effects thereof, (wrapper) " * * * For * * * Amenorrhoea and other Uterine and Vaginal Disorders," (circular) " * * * for * * * Ammenorrhoea * * * Ulceration of the Uterus and Catarrh of the Uterus * * * Gonorrhoea * * *," which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On November 26, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9599. Misbranding of Arthur's Sextone tablets and Bick's Sextone pills. U. S. * * * v. 10 Boxes of Arthur's Sextone Tablets and 10 Boxes of Bick's Sextone Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13691, 13686. Inv. Nos. 23513, 23515. S. Nos. C-2492, C-2499.)

On September 15, 1920, the United States attorney for the Eastern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 10 boxes of Arthur's Sextone tablets and 10 boxes of Bick's Sextone pills, remaining unsold in the original unbroken packages at Tulsa, Okla., alleging that the articles had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about December 26, 1919, and transported from the State of Missouri into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Arthur's Sextone tablets consisted essentially of iron and zinc salts, caffeine, unidentified plant extractives, and traces of phosphates; and that the Bick's Sextone pills consisted of two preparations, chocolate-colored pills, consisting essentially of calcium carbonate, iron oxid, a small amount of plant extractives, and sugar, and orange-colored pills, consisting essentially of finely-divided metallic iron, *nux vomica* alkaloids, and calcium carbonate.

Misbranding of the articles was alleged in substance in the libel for the reason that the following statements appearing in the respective labelings, regarding the curative and therapeutic effects thereof, to wit, (Arthur's Sextone tablets) (wrapper) " * * * Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Etc. * * * Sextone Tablets For Either Sex Composed of * * * the Most Potent and Dependable Aphrodisiac Agencies * * *," (circular) " * * * Sextone Tablets * * * cases of exhaustion of nervous energy, * * * stimulate * * * the Sexual Plexes, * * * nourish the nervous system and build it up * * *," (Bick's Sextone pills) (box label) " * * * Sextone Pills * * * Composed of Aphrodisiac Agencies * * *," were false and fraudulent in that the said articles contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On November 26, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9600. Adulteration of tomato sauce. U. S. * * * v. 150 Cases * * * of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8659. I. S. No. 1218-p. S. No. E-945.)

On December 11, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases, each containing 200 cans, of tomato sauce, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Thomas Roberts & Co., Vienna, Md., and transported from the State of Maryland into the State of New York, and was received at Brooklyn, N. Y., on or about October 26, 1917, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "De Cecco Brand Salsa di Pomidoro. * * * Packed by Winfield Webster & Company, * * * Vienna, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On July 14 1919, no answer to the libel having been interposed by the claimants for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 9601-9650.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 10, 1921.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

9601. Adulteration and misbranding of canned kidney beans. U. S. * * * v. 65 Cases of Kidney Beans. Consent decree and order for release of product under bond. (F. & D. No. 12172. I. S. No. 9016-r. S. No. C-1751.)

On February 17, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 cases of kidney beans, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Central States Canning Co., Indianapolis, Ind., December 4, 1919, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Central States Brand Packed by Central States Canning Company * * * Red Kidney Beans" (design of dish with red beans).

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the said article, to wit, red kidney beans.

Misbranding was alleged for the reason that the above-quoted labeling was false and misleading and deceived and misled the purchaser when applied to long cranberry beans, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 2, 1921, the Central States Canning Co., Indianapolis, Ind., claimant, having admitted the allegations of the libel and having consented to a decree, judgment was entered that the product had been unlawfully shipped for sale in interstate commerce, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that the said product be relabeled as "Naga Uzura Kidney

Beans," and that in the future the term "Kidney" be not used further than necessary to exhaust the stock of beans and labels on hand January 15, 1922.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9602. Misbranding of Wendell's Ambition Brand pills. U. S. * * * v. 228 Packages of Wendell's Ambition Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13701. I. S. No. 6300-t. S. No. E-2760.)

On September 17, 1920, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 228 packages of Wendell's Ambition Brand pills, at Scranton, Pa., alleging that the article had been shipped on or about June 16, 1920, by the Wendell Pharmacal Co., Syracuse, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained strychnine, brucine, quinine, and aloin.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the carton containing the article, regarding the curative and therapeutic effects of the said article, were false and fraudulent inasmuch as the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: " * * * Pills Ambition Brand Beneficial in the treatment of Nervousness, Nervous Debility, Sleeplessness, Despondency, Mental Depression, Hysteria, Nervous Headaches, Dyspepsia, Indigestion * * * Affections of the Nervous System."

On May 27, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9603. Adulteration of cocoa beans. U. S. * * * v. 1,046 Sacks of Cocoa Beans. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 13727. I. S. No. 6338-t. S. No. E-2781.)

On September 30, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,046 sacks of cocoa beans, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been received on or about April 1, 1920, having been theretofore shipped by Alexander Roberts & Co., and transported from Africa into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 20, 1920, The Chocolate Refiners, Inc., Mansfield, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that the article be cleaned, subject to the supervision of the Bureau of Chemistry of this department, and not disposed of contrary to law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9604. Misbranding of Dr. F. W. Diemer's Manhood tablets. U. S. * * * v. 5 Dozen Packages of Diemer's Manhood Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18735. I. S. No. 9542-r. S. No. C-2514.)

On September 30, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen packages of Dr. F. W. Diemer's Manhood tablets, at Meridian, Miss., alleging that the article had been shipped on or about November 17, 1919, by the Dr. F. W. Diemer Medicine Co., Springfield, Mo., and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted chiefly of sodium bicarbonate, reduced iron, a compound of zinc and phosphorus, and small amounts of capsicum, strychnine, and extract from a laxative plant drug.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the article were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed for it upon the carton and wrapper inclosing the said article: " * * * Manhood Tablets For Sexual And Seminal Weakness. * * * For Rheumatism, Neuralgia, Catarrh, Wasting Diseases, Nervous Debility, Impure Blood and all Kindred Diseases resulting from a Worn Out Nervous System * * *."

On March 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9605. Adulteration of raisins. U. S. * * * v. 50 Cases * * * of Raisins. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18736. I. S. No. 9660-r. S. No. C-2531.)

On October 1, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, more or less, of raisins, remaining unsold at Cincinnati, Ohio, shipped on or about April 23, 1920, by Umberto Battistoni, Buffalo, N. Y., alleging that the article had been transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "25 lbs. Net. One Crown Raisins."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 19, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9606. Adulteration and misbranding of vinegar. U. S. * * * v. 2 Barrels, 2 Barrels, 2 Barrels, and 10 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 13738, 13739, 13741, 13742. I. S. Nos. 6404-t, 6403-t, 6401-t, 6406-t. S. Nos. E-2787, E-2789, E-2791, E-2778.)

On October 29, November 24, and December 15, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of

Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 barrels, 2 barrels, 2 barrels, and 10 barrels, respectively, of vinegar, in part at Dover, in part at Newton, and in part at Netcong, N. J., alleging that the article had been shipped on or about August 17 and 19, 1920, by the Kistler Vinegar Works, Stroudsburg, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Davies-Strauss-Stauffer Co., Pure Fermented Apple Cider Vinegar Reduced to 40 grains acid strength Made by the Kistler Vinegar Works, Stroudsburg and Bethlehem, Pa. * * *."

Adulteration of the article was alleged in the libels for the reason that waste vinegar had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the statement on the label, "Pure Fermented Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser, since it was not pure fermented apple cider vinegar. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On May 24, 1921, the Kistler Vinegar Works, Stroudsburg, Pa., claimant, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$2,000, conditioned in part that the product be not shipped or sold unless rebranded and properly marked, and that the department be notified of the proper relabeling thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9607. Misbranding of Dr. Carey's Marsh Root. U. S. * * * v. 9 Dozen Bottles (Small Size) and 4½ Dozen Bottles (Large Size) * * * of Dr. Carey's Marsh Root. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 13759. I. S. No. 2458-t. S. No. C-2544.)

On October 6, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 dozen bottles (small size) and 4½ dozen bottles (large size) of Dr. Carey's Marsh Root, remaining unsold at Cincinnati, Ohio, shipped on or about November 12, 1919, and July 24, 1920, by the Carey Medical Corp., Rochester, N. Y., alleging that the article had been transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of plant extractives, including a trace of alkaloid, salicylate, glycerin, sugar, aromatic oils, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the cartons inclosing the bottles containing the article and in circulars accompanying the same, regarding the curative and therapeutic effect of the article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it, and in that said article was insufficient of itself for the successful treatment and cure of the ailments and diseases for which prescribed and recommended in said statements: (Carton) " * * * The Marsh Root Prescription is indicated in the treatment of Bright's Disease (before casts are formed) Diabetes Kidney, Bladder and Urinary

Troubles Disordered Liver Stomach and Blood Diseases * * * this wonderful remedy * * * Is advocated for the treatment of Chronic and acute Kidney, Bladder, Stomach, Liver and Urinary Diseases. * * * restores impoverished blood to the rich, red condition of perfect health. Marsh Root removes the cause * * *; (circular) * * * This wonderful remedy is a prescription used by Dr. Carey, with marvelous success, for many years in the treatment of Kidney and Bladder Troubles, Bright's Disease, and difficulties of the liver. * * * for the benefit of all sufferers from those dread diseases. * * * This splendid remedy has proven itself of great value in the treatment of Bright's Disease, Diabetes, all Urinary troubles, Retention, Scanty, Stoppage, Too Frequent and Brickdust. Catarrh of the Bladder, Gravel and Gall Stones are positively relieved by this treatment. In cases of Spermatorrhoea, Debility and Seminal Weakness, Dr. Carey's Marsh Root will be found invaluable. * * * makes the Blood rich, red and healthy. * * * all that is claimed for Dr. Carey's marvelous medicine, Marsh Root, is beyond any question of doubt. There are thousands alive today who would be in their graves, caused by the awful effect of Kidney and Bladder Trouble, if they had not used this wonderful medicine, Marsh Root. * * * Kidney diseases * * * Bladder Troubles * * * paralysis of the bladder Diabetes * * * Uric Acid * * * eczema, or tetter Gravel * * * brickdust, sand or gravel * * * Bright's Disease * * * diseased condition of the ovaries * * * painful and unnatural menstruation. Marsh Root makes the kidneys strong and active and removes the uric acid which causes the pain, builds up the blood, increases its circulation, and regulates the monthly flow. Gravel or Stone in the Bladder * * * Marsh Root cures Gravel by dissolving the stones and deposits so that they are carried off with the urine. By making the kidneys and bladder strong and healthy they do not form again. Diabetes Sugar in the Urine * * * relief can be obtained much sooner if you procure Marsh Root to build up the digestive organs. * * * cured thousands of people * * * Backache, Weak Back, * * * Gout, Diabetes, Bright's Disease, Gravel, Irritation of the Bladder, Scalding of the Urine, Swelling of the Ankles, Dropsy, or some other form of Kidney or Urinary Trouble. Marsh Root has a direct and specific action in all form of Kidney, Bladder and Urinary Trouble, giving the kidneys strength to cast off all poisonous matter from the blood, thus stopping the cause of all diseases of this nature. * * * best known remedy for Bed Wetting in children and old people."

On November 12, 1920, the Carey Medical Corp., Rochester, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9608. Adulteration and misbranding of chocolate coating. U. S. * * *
v. 30 Cases of Chocolate Coating * * *. Consent decree of con-
demnation and forfeiture. Product released under bond. (F. & D.
No. 14970. I. S. No. 10636-t. S. No. W-955.)

On May 31, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of chocolate coating, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped

by the Boldemann Chocolate Co., San Francisco, Calif., January 21, 1921, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Boldemann's Sweet Coating Cutter."

Adulteration of the article was alleged in the libel for the reason that excessive cocoa shells had been mixed and packed with, and substituted in part for, the said article, and for the further reason that it was mixed and packed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Sweet Coating," was false and misleading and deceived and misled the purchaser when applied to an article resembling sweet chocolate and containing excessive cocoa shells. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 29, 1921, the Boldemann Chocolate Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9609. Adulteration and misbranding of butter. U. S. * * * v. 110 Tubs * * * of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15107. I. S. No. 679-t. S. No. C-3093.)

On July 2, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 110 tubs, more or less, of butter, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rapid City Creamery Co., Rapid City, S. Dak., June 15, 1921, and transported from the State of South Dakota into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and containing excessive moisture had been substituted in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butter fat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, butter, and for the further reason that it was food in package form, and the quantity was not plainly and conspicuously marked on the outside of the package in terms of weight and measure.

On July 15, 1921, the Rapid City Creamery Co., Rapid City, S. Dak., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the

product be reprocessed under the supervision of this department so as to remove the excess water therefrom and that the quantity of the contents be marked plainly and conspicuously on the outside of the package in terms of weight or measure.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9610. Misbranding of cottonseed meal. U. S. * * * v. **Planters Mfg. Co., a Corporation.** Plea of guilty. Fine, \$50 and costs. (F. & D. No. 9894. I. S. No. 15420-p.)

On January 27, 1920, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Mfg. Co., a corporation, Clarksdale, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 8, 1918, from the State of Mississippi into the State of Illinois, of a quantity of cottonseed meal which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 19, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9611. Misbranding of Santal-Miller. U. S. * * * v. **6 Dozen Packages of * * * Santal-Miller.** Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11010. I. S. No. 7151-r. S. No. C-1380.)

On August 14, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen packages of Santal-Miller, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the General Drug Co., New York, N. Y., June 26, 1919, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Santal-Miller, a compound * * * Robert J. Miller, Druggist, 121-3 West 9th St. Chattanooga, Tenn."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of santal oil, flavored with oil of cinnamon.

It was alleged in substance in the libel that the article was misbranded in that the labeling bore statements regarding the curative and therapeutic effect thereof which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effect claimed and would not cure or relieve gonorrhea, would not lessen the discharge, and the patient by its use would not be spared the annoyance of a prolonged attack of said disease or be relieved from the pain resulting therefrom.

On November 26, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9612. Misbranding of cottonseed meal. U. S. * * * v. Buckeye Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 11947. I. S. No. 11402-r.)

On November 8, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, having a place of business at Jackson, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 29, 1918, from the State of Mississippi into the State of Ohio, of a quantity of cottonseed meal which was misbranded. The article was labeled in part, "Buckeye Prime Cottonseed Meal."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 36.5 per cent of protein, 7.08 per cent of ammonia, 5.84 per cent of nitrogen, and 13.96 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 41. Per Cent Minimum * * * Ammonia 8. [Per Cent Minimum] Nitrogen 6.50 [Per Cent Minimum] Crude Fibre 10. [Per Cent] Maximum," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 41 per cent of protein, not less than 8 per cent of ammonia, not less than 6.50 per cent of nitrogen, and not more than 10 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, not less than 8 per cent of ammonia, not less than 6.50 per cent of nitrogen, and not more than 10 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 41 per cent of protein, less than 8 per cent of ammonia, less than 6.50 per cent of nitrogen, and more than 10 per cent of crude fiber.

On January 13, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9613. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Natchitoches Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 11948. I. S. No. 11990-r.)

On April 26, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in two counts against the Natchitoches Cotton Oil Co., a corporation, Natchitoches, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 17, 1919, from the State of Louisiana into the State of Kansas, of a quantity of cottonseed meal which was adulterated and misbranded. The article was sold as 41 per cent cottonseed meal.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 36.16 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a cottonseed meal containing less than 41 per cent of protein, had been substituted in whole or in part for cottonseed meal containing 41 per cent of protein, which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On October 18, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 on count one and \$25 on count two, together with the costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9614. Misbranding of kidney and bladder remedy. U. S. * * * v. William T. Long (William T. Long Medicine Co.). Tried to the court and jury. Verdict of guilty. Fine, \$200 and costs. (F. & D. No. 12328. I. S. No. 7225-r.)

On May 19, 1920, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William T. Long, trading as the William T. Long Medicine Co., Oklahoma City, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 27, 1919, from the State of Oklahoma into the State of Iowa, of a quantity of an article labeled in part "The World's Greatest Kidney and Bladder Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an aqueous solution of acetic acid and tannin-bearing plant material.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the label of the bottles containing the said article and in an accompanying circular, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for kidney and bladder trouble, gravel, Bright's disease, diabetes, bed wetting, female weakness, sugared urine, rheumatism, all uric acid troubles, and pellagra, and to be effective to remove all impurities and to destroy infections from bad blood in a few days, when, in truth and in fact, it was not.

On February 1, 1921, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel the court delivered the following charge to the jury (Wade, *D. J.*):

Gentlemen of the jury, this is a simple case. I don't want you to become confused and wander off into fields of speculation suggested by counsel in the arguments or in the opening statements, including Christian Science, prejudice of doctors, the origin of the medical profession, and all that sort of thing. Get down to the thing to be tried. What is it?

This man here is sending out some medicine which he solemnly represents will do certain things. The question here is whether it is true. If not true, it was sent out with the purpose to defraud.

Don't get a notion that this law was made by somebody to do something to help somebody that is not entitled to help, because this law was made by the people of the United States. They make the laws in this country. And this law was made in the same spirit in which they have here in Oklahoma, and in every other State in the Union, a law providing that no man can practice medicine unless he has taken a certain course of study or is a graduate from certain institutions, and in the same spirit in which the people of every State spend thousands of dollars every year to enable men to become qualified to practice medicine for us, because it is the only source of aid which we have when sickness comes.

Now, let's get away from some of these suggestions that have been made.

In addition to providing a bar against the attempted practice of medicine by persons who know nothing about the human body or its elements, they passed a law providing that if persons are selling food, it shall not be adulterated; if they are selling drugs or medicine, they shall not misbrand it. That is all. No law prohibits a man from making any medicine he wants to and selling it to the people if he tells the truth about it. Anybody in this country has the right to buy any medicine that he wants to buy if he knows what it is.

The law which punishes men for misbranding drugs and medicines is the same law which is enforced every term of court for misbranding food, for shipping eggs that are rotten when they are represented to be fresh, all of those things for the protection of the people against things which would defraud them or endanger their lives or health, or get their money for something without getting value received.

What is charged here? It is charged here that this product made of vinegar and berries—and there is no dispute upon that point—was sent out under a certain brand and a certain label. Now, in order that we may thoroughly understand what is before the jury, let us look at this label: "World's Greatest Kidney and Bladder Remedy. The greatest discovery of medical science for Kidney and Bladder Trouble. Removes Gravel, dissolves and passes it away without the aid of the knife. Speedy relief for Bright's Disease, Diabetes, Bed Wetting, Female Weakness, Sugared Urine, Rheumatism, and all Uric Acid Troubles. Removes all impurities and infections from bad blood in a few days after Doctors give you up. Don't let them use the knife, come and get well. Don't take poisonous drugs and opiates, when nature, in her great laboratory, in the forest, has prepared the remedy. The Almighty saw clear down to the end of time and provided a remedy for all diseases. The Medicine Man of the wild tribes handed down these formulas from father to son and never used the surgeon's knife or poisons, but dug the roots and herbs nature provided, and kept the secret, but of late a few of these formulas have been obtained at a high price to be kept inviolate, and we are able to-day to compound and distribute to suffering humanity, the World's Greatest Kidney and Bladder Remedy. We have living testimonials that foiled the Medical Profession that are now well. This remedy has been used successfully in Pellagra cases. Directions: Adults, one tablespoonful before meals, three times a day. Children, teaspoonful three times a day. Guaranteed Under Pure Food and Drugs Act, June 30, 1906. Price \$2.00 per bottle. William T. Long Medicine Co., 208 West Washington Street, Oklahoma City, Okla. Trial Package, Three bottles for \$5.00."

The Government charges that those representations were false. The defendant denies the charge that they were false, and denies the charge that there was any fraud in the label.

In this case, as in every case, the burden is upon the Government to prove beyond a reasonable doubt the charge it makes, that this medicine was falsely and fraudulently labeled, and unless it is established here beyond a reasonable doubt that that is true, of course you must acquit.

What is a reasonable doubt? I have explained it to you so often you thoroughly understand it now. It means a doubt which naturally arises in your minds, not being sought after or conjured up, but one which naturally arises in your minds after a full, fair, and honest consideration of all of the evidence. If your mind wavers and oscillates, so to speak, between guilt and innocence, then the law requires you to give the benefit of that state of mind to the defendant. But if there is no reasonable doubt in your mind as to the truth of the charge made, you will convict.

Now, then, does this proof require that the Government prove that all of the representations were untrue? Not at all. Not at all. If any one of them is untrue and fraudulent, that is sufficient. In other words, if the representation as to the effect of this medicine on Bright's disease is false and fraudulent, the defendant is guilty. If the representation is untrue and fraudulent as to diabetes, he is guilty. If the charge is true as to any of them, he is guilty.

In other words, you can plainly see that the defendant has the right to make any representations he wants to so long as they are true. A man might represent that a certain medicine would cure coughs and colds, and that might be substantially true, but if he went further and said coughs and colds and tuberculosis, you know that the representation is false because humanity has not yet found a drug that is a cure for tuberculosis. Therefore, if he had stopped at the coughs and colds he might be within the proper bounds, but he steps outside when he represents that it will cure something that is incurable through any drug medium.

So in this case if the representation here had been that it would cure frequent urination, and stopped at that, then we would have some evidence here to which he could point as establishing the proof of the thing that he represented. But, of course, under the uncontradicted evidence here, frequent urination is not proof of Bright's disease, nor of diabetes. If he had represented

that it aided painful menstruation there might be some proof here that it had afforded some relief in such cases. If he had stopped with saying that it would cure bed wetting, there might be proof here upon which he could rely and ask you to believe that the representation was true.

But, of course, under the uncontradicted evidence in this case, there is no case of Bright's disease or diabetes before this jury where any witness testified that the medicine was taken and that it effected in any manner a cure. Nobody claims that there is any such proof. Both sides have been heard and outside of gossip or suggestions of persons suffering from something of the kind above stated, nobody could tell—from the description and from the method of determining diseases of that type—no one could tell you that we have any proof with reference to any Bright's disease or diabetes in this case—under the uncontradicted evidence in this case. You are the final judges of the evidence. Nobody claims in this case that this medicine would cure Bright's disease or diabetes, and we are dealing in scientific matters about which the average man has no knowledge. When it comes to finding the truth, we can not set up our judgment without experience and education against the statements of men who devote their lives to these studies. We must accept the word of science in these things, except in so far as we, with our limited vision, can see and thus judge what the truth is. The uniform testimony in this case is that in a case of Bright's disease there is no drug cure at all, that the thing here before the court would not affect it in any way. That in diabetes there is no drug cure, and that this remedy would not cure it. There is no evidence to the contrary so far as Bright's disease and diabetes is concerned. If the representations were false as to these and fraudulent, he is guilty.

Now, I think it is perfectly safe to say that, under the uncontradicted evidence in this case, while you are the judges of the matter finally and of this man's guilt, I can see no possible conflict in the evidence here that these representations were false. There don't seem to be any evidence to the contrary. But you are the judges of that matter. I can recall no evidence in conflict in the case.

Several witnesses testify that this thing is not a cure for Bright's disease or diabetes. Nobody claims that it is, the defendant's claim being that he knew nothing about what these persons were suffering from except what they told him, and those people probably knew no more about it than the average person who, when he gets sick, often imagines a name for the disease which he has. But what the people told this defendant would be hearsay. It would not be competent proof that the person had such a disease.

So, gentlemen, if these representations are false, there is only one other thing to consider in this case, and that is whether they were fraudulent, the statute providing that the branding must be false and fraudulent before you can convict.

Well, what does fraudulent mean? A representation is fraudulent, of course, when a man knows that it is not true. Nobody would dispute that. Fraudulent means, with reference to representations, things that are said or represented to somebody when the person making the representation knows that that representation is not true. It don't make so much difference what his purpose is providing it is a serious purpose of getting one to part with his money or property, or something of that kind. That, of course, would be fraudulent. But other things are fraudulent besides that. The man who has no knowledge of a thing, and knowing that he has no knowledge, represents as a fact that a certain thing is true, in the hope that the person to whom the representations are made will rely upon it and accept his statement, that man is committing a fraud. His representation is fraudulent. If he knows, now, that he doesn't know, and he represents to a man a fact which he knows he doesn't know expecting the other man to rely upon it, that is a fraud because there is fraud in the assumption of knowledge when he knows he hasn't got it. It is generally true that any representation which is made in reckless and wanton disregard of whether it is true or false constitutes a fraudulent intent and purpose.

So, gentlemen, taking these things and these definitions into consideration, if you determine beyond a reasonable doubt that the evidence here establishes that these representations, or some of these representations, were false, were they fraudulent within the meaning of the rule I have stated?

Now, it is not a question, gentlemen, of how much money he was making. I think counsel suggested something about those coming to him and having

treatment, whether they had money or not. There isn't any evidence of that in this case. Just stick to the evidence, gentlemen.

Now, don't be misled or carried away by the suggestions that this wouldn't hurt anybody. The people when they enacted this law didn't say, "If a person misrepresents a medicine or drug which hurt somebody." They said that anybody who misrepresented any drug, medicine, anything of that kind, and sends it through interstate commerce, should be punished. A person should not thus be induced to part with his money, no matter how small it may be, nor should a person be thus led to believe and rely upon a certain thing as a cure for a dangerous and deadly disease, and thus perhaps be led to defer consultation or inquiry which might help him if taken in time, and which might not help him later. I only refer to those things because of the things suggested here in the argument of the case.

It is a question of whether or not this man has sent misbranded medicine through interstate commerce, that is what gives this court jurisdiction. If it didn't get out of the state it would have to be tried in the state court. But where a man falsely represents in the label statements in connection with medicine, and that false statement is made fraudulently within the meaning of what I have said to you, the man is guilty, even though the price is made low and it would harm no one.

So, gentlemen, taking all these considerations together, look at the evidence in this case frankly without any feeling of prejudice, and determine whether or not, beyond a reasonable doubt, any of the representations on this label were false, and if so, if they were also fraudulent, and shipped into Iowa, and if you find beyond a reasonable doubt that they were, you will find this man guilty. If you do not find they were false and fraudulent, either in whole or in part, you will find a verdict of not guilty.

On February 2, 1921, the jury returned a verdict of guilty, and the court imposed a fine of \$200 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9615. Alleged adulteration of eggs. U. S. * * * v. Wilson & Co., a Corporation. Tried to the court and a jury. Verdict of acquittal. (F. & D. No. 13080. I. S. No. 5778-r.)

On November 19, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wilson & Co., a corporation, Kansas City, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 23, 1919, from the State of Kansas into the State of Missouri, of a quantity of shell eggs which were alleged to have been adulterated.

Examination of 540 eggs from the consignment by the Bureau of Chemistry of this department showed that 76 were absolutely rotten and unfit for food, of which one-half were black rots and the balance moldy and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 13, 1921, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel the court delivered the following charge to the jury (Pollock, *D. J.*):

In this case Wilson & Co. are charged on the information of the Government, prepared by the district attorney, with the offense of violating what is known as the Pure Food or Drug Act of the country. The precise offense that is charged against Wilson & Co. is that they shipped in interstate commerce (and you understand, gentlemen of the jury, it is only because these eggs were carried in interstate commerce here that the Government has any control of the matter at all), but that Wilson & Co., the defendant in that case, shipped in interstate commerce, that is, from Kansas City, Kans., into Kansas City, in the State of Missouri, 10 dozen of eggs; that these eggs were spoiled or decayed at the time they were shipped to such an extent that they were unfit for human use or food.

The defendant, Wilson & Co., denies this. From all the evidence in the case the defendant admits it did transport these eggs in interstate commerce about the 23d day of October last year, but says at the time that they were transported they were not in this spoiled or decayed condition.

This is a criminal case. It is a prosecution of Wilson & Co. by the information of the district attorney for a violation of a criminal law. And so it is, that the defendant in law, in your mind, is presumed to be entirely innocent of the offense charged against it, or of any wrongdoing whatever so far as this case is concerned, until the Government shall have proven beyond a reasonable doubt that it is guilty of the offense charged against it.

Now, lest you may have any misunderstanding what I mean by that term "reasonable doubt," I say to you, it means exactly what it says, a reasonable doubt. On the one hand, it does not mean the mere or bare possibility of innocence, because almost anything is possible in this world. It does mean such a substantial doubt in the mind as will require a man of reasonable prudence and caution to pause or hesitate before engaging in the graver affairs of life. Whenever a juror, taking all the facts and circumstances in evidence in a case, there is produced by that evidence, taking it in all its various lights, an abiding conviction that the defendant must be guilty, then there is no longer a reasonable doubt in the mind. But until that point is reached, being a criminal case, the defendant is entitled to a verdict at your hands of not guilty.

Now, this presumption of innocence attends the defendant in this case until that point is reached, if it ever is reached, that the offense charged has been proven beyond a reasonable doubt.

Now, as I remember the evidence, these eggs were transported, 10 cases of them, on the 23d day of October and delivered to this grocery man who testified here. He placed them in an ice box, and so far as the Government's evidence goes there is no evidence whatever as to the condition of these eggs until the 8th and 10th days of November. So, the condition of the eggs on the 8th and 10th days of November was shown for the purpose of showing, or tending to show, if it does, the condition of the eggs, not at that time, at all, but on the 23d day of October at the time they were shipped. Now, for example, in this case, gentlemen, suppose these eggs were spoiled as badly as the Government contends on the 8th and 10th days of November; yet, unless that proves to your minds beyond a reasonable doubt the condition of these eggs at the time they were shipped over there on the 23d day of October, and convinces your minds beyond a reasonable doubt that they were decayed at that time and unfit for use, then the Government has not discharged the obligation it must discharge before it asks a verdict at your hand. If the evidence does convince your minds beyond a reasonable doubt, as I have defined that term, that these eggs were decayed as claimed by the Government at the time Wilson & Co. had the car in interstate commerce over in Kansas City, Mo., then your verdict would be for the Government. Failing to so find, and that must be found beyond a reasonable doubt, and from the evidence in the case, or the only other thing you can do in doing justice, is to return a verdict of not guilty.

You, gentlemen of the jury, are the exclusive judges of the weight of the evidence; and by that I mean what the evidence proves; the credibility of the witnesses, and what facts are established by this evidence beyond a reasonable doubt. So that is the case.

Two forms of verdict will [be] handed to you in this case. You will retire and consider your verdict.

The jury then retired and after due deliberation returned a verdict of acquittal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9616. Adulteration and misbranding of wheat shorts. U. S. * * * v. Peerless Milling and Feed Co., a Corporation. Plea of guilty. Fine, \$14 and costs. (F. & D. No. 13229. I. S. Nos. 9159-r, 9160-r, 9176-r, 9190-r, 16428-r, 16429-r, 16582-r.)

At the April, 1921, term of the United States District Court, within and for the Eastern District of Illinois, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Peerless Milling and Feed Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and

Drugs Act, from the State of Illinois, on or about September 9 and 12, 1919, into the State of Alabama, and, under the name of the National Feed Co., on or about September 11, 1919, into the State of Louisiana, on or about September 22, 1919, into the State of Alabama, and on or about August 25 and 26 and September 19, 1919, respectively, into the State of Georgia, of quantities of wheat shorts which were adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product was reground bran or reground bran with screenings, with flour added in certain instances.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, ground bran and flour, reground bran, or ground bran, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for wheat shorts, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Wheat Shorts With Ground Screenings," or "Wheat Shorts From Wheat Products And Ground Screenings," borne on the tags attached to the sacks containing the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article consisted wholly of wheat shorts with ground screenings or wheat shorts from wheat products and ground screenings, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of wheat shorts and ground screenings or wheat shorts from wheat products and ground screenings, whereas, in truth and in fact, it did not so consist, but did consist in large part of ground bran and flour, reground bran, or ground bran, as the case might be. Misbranding was alleged for the further reason that the article was a mixture composed in large part of ground bran and added flour, ground bran, or reground bran, as the case might be, prepared in imitation of another article, and was offered for sale and sold under the distinctive name of another article, to wit, wheat shorts with ground screenings or wheat shorts from wheat products and ground screenings.

On May 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$14 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9617. Misbranding of Gold Medal Compound pills. U. S. * * * v. 6
Dozen Packages of * * * Gold Medal Compound Pills. Default
decreed of condemnation, forfeiture, and destruction. (F. & D. No.
13332. I. S. No. 3040-t. S. No. C-2148.)**

On August 19, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen packages of Gold Medal Compound pills, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the S. Pfeiffer Mfg. Co., St. Louis, Mo., November 12, 1919, and April 24, 1920, respectively, and transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "* * * Gold Medal Compound Pills. Begin by taking one Pill before each meal * * * Four or five days before the expected appearance of the menstrual flow, drink freely * * * of hot ginger tea * * * in cases of suppressed menstruation."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of ferrous sulphate, aloes, and oil of pennyroyal, coated with sugar.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effect claimed and would not cure, relieve, or remedy suppressed menstruation.

On November 26, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9618. Adulteration of shell eggs. U. S. * * * v. George W. Reaves and Henry W. Reaves (Sentinel Poultry & Egg Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 14511. I. S. Nos. 346-t, 352-t.)

On May 23, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Reaves and Henry W. Reaves, trading as the Sentinel Poultry & Egg Co., Sentinel, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 14 and 16, 1920, respectively, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated.

Examination of 2 of the 4 cases involved in the former shipment and one-half case each of the 3 cases involved in the latter shipment by the Bureau of Chemistry of this department showed the presence of 99, or 13.75 per cent, and 119, or 22.03 per cent, respectively, inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On June 14, 1921, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9619. Misbranding of 999 nerve tonic. U. S. * * * v. 6 Packages of * * * 999 Nerve Tonic * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14862. Inv. No. 25906. S. No. E-3361.)

On May 11, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 packages, more or less, of 999 nerve tonic, remaining in the original unbroken packages at Cumberland, Md., consigned March 31, 1921, alleging that the article had been shipped by the Combination Remedy Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of capsules, containing phosphorus and extractives of damiana and nux vomica.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect

thereof, (box label) “* * * Nerve Tonic * * * the best possible remedy for nervous disorder and lost vitality, no matter from what cause,” were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On June 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9620. Adulteration of orange-julep sirup. U. S. * * * v. 4 Barrels and 11 Half-Barrels of Orange-Julep Sirup. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 10225. I. S. No. 15702-r. S. No. E-1373.)

On May 14, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 barrels and 11 half-barrels of orange-julep sirup, remaining unsold in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped on or about April 22, 1919, by the Southern Fruit Julep Co., Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: “Howel's Orange-Julep Syrup Non Intoxicating Artificially Colored Contains $\frac{1}{2}$ of 1% Benzoate of Soda. Howel's Original Orange-Julep” (design showing orange fruit) “Made From Fresh Ripe Fruit Manufactured by Southern Fruit Julep Company * * *.”

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of sugar sirup artificially colored with Orange [1] and contained .38 per cent of citric acid.

On May 24, 1919, the claimant, the Southern Fruit Julep Co., Baltimore, Md., having filed its answer, and the case having come on for final disposition, judgment of condemnation and forfeiture was entered, providing for the release of the product to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9621. Adulteration of dried raspberries. U. S. * * * v. 10 Barrels of Dried Raspberries. Product released under bond and case discontinued. (F. & D. No. 11177. I. S. No. 8454-r. S. No. C-1451.)

On September 9, 1919, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of dried raspberries, remaining unsold in the original unbroken packages at Rochester, N. Y., alleging that the article had been shipped by the Rochester Evaporated Fruit Co., from St. Louis, Mo., September 4, 1919, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On November 21, 1919, the case having come on for final disposition, it was ordered by the court that the bond under which the goods had been previously

turned over to the claimant, the Rochester Evaporated Fruit Co., Inc., Rochester, N. Y., in conformity with section 10 of the act, be canceled and exonerated and that the case be discontinued.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9622. Adulteration and misbranding of cottonseed meal. U. S. * * * v. The Buckeye Cotton Oil Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 11217. I. S. No. 10707-r.)

On January 27, 1920, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, having a place of business at Greenwood, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 16, 1918, from the State of Mississippi into the State of Indiana, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part, "Buckeye Good Cottonseed Meal * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.5 per cent of protein, 15.65 per cent of crude fiber, and approximately 38 per cent of cottonseed hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been substituted in part for cottonseed meal, which the said article purported to be, and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements appearing on the label of the sacks containing the article, to wit, " * * * Cottonseed Meal * * * Protein 36% * * * Fibre 14% * * *," were false and misleading in that they represented to the purchasers that the said article consisted solely of cottonseed meal and contained not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it contained not less than 36 per cent of protein and not more than 14 per cent of fiber and consisted solely of cottonseed meal, whereas, in truth and in fact, it contained less than 36 per cent of protein, more than 14 per cent of fiber, and was not cottonseed meal.

On January 24, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9623. Adulteration of Natrona soda spring water. U. S. * * * v. John W. Cazzell. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 11219. I. S. No. 7804-r.)

On March 8, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John W. Cazzell, Excelsior Springs, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 7, 1919, from the State of Missouri into the State of Illinois, of a quantity of Natrona soda spring water which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was contaminated with organic matter in an active state of decomposition, and with *B. coli* and numerous other bacteria.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance, and for the further reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 20, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9624. Adulteration and misbranding of Eggette. U. S. * * * v. Edward Zimmer and Walfred F. Johnson (Bestever Products Co.).
Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 11222. I. S. Nos. 8162-p, 10004-p, 10125-p, 19451-p.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward Zimmer and Walfred F. Johnson, trading as the Bestever Products Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, from the State of Illinois, on or about March 26 and April 26, 1918, respectively, into the State of Missouri, on or about March 26, 1918, into the State of Louisiana, and on or about February 2, 1918, into the State of Texas, of quantities of Eggette which was adulterated and misbranded. The product involved in the consignments to Missouri was labeled in part, (package) "Eggette for Baking and Cooking * * * Contents Of This Package Saves The Use Of 12 Eggs * * * Use Eggette the same as you would eggs." The product involved in the consignment to Louisiana was labeled, in part, (box) "Reduce Your Egg Bill Use 'Eggette' Saves the Use of Eggs in Baking and Cooking * * *." The product involved in the consignment to Texas was labeled in part, (package) "Eggette for Baking And Cooking * * * Contents Of This Package Saves The Use of 36 Eggs * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of starch and casein, containing coal-tar color and probably baking powder.

Adulteration of the article was alleged in the information for the reason that a mixture of starch and casein had been substituted for egg substitute, which the said article purported to be, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that certain statements on the label of the package containing the article and in an accompanying folder were false and misleading in that they represented to the purchaser thereof that the article was an egg substitute and could be used in place of eggs in cooking, and for the further reason that it was so labeled as to deceive and mislead the purchasers into the belief that it was an egg substitute and could be used in place of eggs in cooking, whereas, in fact and in truth, it was not an egg substitute and could not be used in place of eggs for cooking. Misbranding was alleged with respect to the product involved in the consignment of February 2, into Texas, for the further reason that the said article was an imitation of another article, to wit, an egg substitute, and was sold under the distinctive name of said other article.

On March 30, 1921, the defendants entered pleas of guilty to the information, and on July 1, 1921, the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9625. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Eagle Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 11225. I. S. No. 10682-r.)

On March 8, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eagle Cotton Oil Co., a corporation, Meridian, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 26, 1918, from the State of Mississippi into the State of Indiana, of a quantity of cottonseed meal which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 32.5 per cent of protein and 16.7 per cent of crude fiber. Examination of the article by said bureau showed that it contained at least 36 per cent of cottonseed hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cottonseed Meal * * * not less than * * * 36.0 per cent of crude protein, not more than 14.0 per cent of crude fiber," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was cottonseed meal and that it contained not less than 36 per cent of crude protein and not more than 14 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal and contained not less than 36 per cent of crude protein and not more than 14 per cent of crude fiber, whereas, in truth and in fact, the said article was not cottonseed meal but was a mixture of cottonseed meal and cottonseed hulls, and it did contain less than 36 per cent of crude protein and more than 14 per cent of crude fiber. Misbranding was alleged for the further reason that it was a mixture of cottonseed meal and cottonseed hulls and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal.

On March 15, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9626. Misbranding of Brown's stock powders and Brown's nerve and bone liniment. U. S. * * * v. Onnie L. Wall (The Brown Stock Medicine Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 11962. I. S. Nos. 6778-r, 6779-r.)

On September 2, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Onnie L. Wall, trading as the Brown Stock Medicine Co., Morristown, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 4, 1919, from the State of Tennessee into the State of Alabama, of quantities of Brown's stock powders and Brown's nerve and bone liniment, which were misbranded.

Analysis of a sample of the stock powders by the Bureau of Chemistry of this department showed that they consisted essentially of ferrous sulphate, sulphur, antimony sulphid, fenugreek, aloes, and a large amount of peanut meal and

ground peanut hulls. Analysis of a sample of the nerve and bone liniment by said bureau showed that it consisted essentially of pine tar, volatile oils approximately 16 per cent, including oil of turpentine, a small amount of phenol, and alcohol, 74.3 per cent by volume.

Misbranding of the articles was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the respective labels of the packages or bottles containing the said articles, falsely and fraudulently represented the stock powders to be effective as a treatment, remedy, and cure for all diseases to which horses, cattle, hogs, and sheep are subject, such as bots, colic, blind staggers, bloating, wind-broken, distemper, bloody urine, hollow horn, and hog cholera, and the nerve and bone liniment to be effective as a preventive, treatment, remedy, and cure for acute and muscular rheumatism, neuralgia, headache, lame back, spinal affections, stiff joints, boils, pimples, old sores, burns, chil-blains, sprains, and swollen joints, scratches, sweeney, grease heel, ringbone (in first stage), spavin (bone or bog), splints, and foot evils of all kinds, when, in truth and in fact, they were not. Misbranding of the nerve and bone liniment was alleged for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On November 20, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9627. Misbranding of cottonseed meal and adulteration and misbranding of cottonseed cake. U. S. * * * v. Louisiana Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 12006. I. S. Nos. 11974-r, 12036-r.)

On April 20, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Louisiana Cotton Oil Co., a corporation, Shreveport, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, on or about January 23, 1919, of a quantity of cottonseed meal which was misbranded, and on or about January 16, 1919, of a quantity of cottonseed cake which was adulterated and misbranded. The cottonseed meal was unlabeled and was invoiced as "43% c/s Meal." The cottonseed cake was described in an invoice as "45% C/S Cake," and further described in a confirmation of sale as "45% Nut Cake." It was labeled in part, "100 Pounds Gross Guaranteed Analysis: Protein 46.00 Ammonia 8.95 * * *."

Analysis of a sample of the cottonseed cake by the Bureau of Chemistry of this department showed that it contained 43.29 per cent of protein and 8.41 per cent of ammonia.

Adulteration of the cottonseed cake was alleged in the information for the reason that a substance, to wit, a cottonseed cake containing less than 45 per cent of protein, had been substituted in whole or in part for cottonseed cake containing 45 per cent of protein, which the article purported to be.

Misbranding of the cottonseed cake was alleged for the reason that the following statement, to wit, "Guaranteed Analysis: Protein 46.00 Ammonia 8.95," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 46 per cent of protein and not less than 8.95 per cent of ammonia, and for the further reason that it was labeled as aforesaid so as to deceive and mislead

the purchaser into the belief that it contained not less than 46 per cent of protein and not less than 8.95 per cent of ammonia, whereas, in truth and in fact, it did contain less than 46 per cent of protein and less than 8.95 per cent of ammonia. Misbranding was alleged with reference to the products contained in both consignments for the reason that they were food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages.

On October 19, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9628. Misbranding of butter. U. S. * * * v. Blue Valley Creamery Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 12105. I. S. No. 16451-r.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Blue Valley Creamery Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 30, 1919, from the State of Illinois into the State of Georgia, of a quantity of Blue Valley butter which was misbranded.

Examination of the article by the Bureau of Chemistry of this department showed in 80 one-fourth pound cartons an average shortage in weight of .18 ounce, or 4.5 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight $\frac{1}{4}$ Pound," borne on the cartons containing the article, regarding the article, was false and misleading in that it represented that each of the said cartons contained $\frac{1}{4}$ pound thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cartons contained $\frac{1}{4}$ pound of the article, whereas, in truth and in fact, each of the said cartons did not contain $\frac{1}{4}$ pound of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On March 30, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and on July 1, 1921, the court imposed a fine of \$200 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9629. Misbranding of Dr. Simpson's vegetable compound. U. S. * * * v. 2 Dozen Bottles * * * of Dr. Simpson's Vegetable Compound and Iodide of Potassium. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12273. I. S. No. 12422-r. S. No. C-1810.)

On March 4, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen bottles, more or less, of Dr. Simpson's Vegetable Compound and Iodide of Potassium, at Cleveland, Ohio, alleging that the article had been shipped by the Dr. A. B. Simpson Co., Richmond, Ind., on or about November 5, 1919, and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "* * * For All Diseases Depending on a Depraved Condition of the Blood. Scrofula, Scrofulous Diseases of the Eyes, or

Scrofula in any form, and Erysipelas. Old Sores, Boils or Ulcers, Pimples, Blotches and any Disease or Eruption of the Skin. Rheumatism and Pains in the Limbs, Bones, etc. Scald Head, Salt Rheum, Tetter. Long standing Diseases of the Liver. Catarrhal affections of all kinds. Syphilis, or the Diseases that it entails"; (carton) "* * * Scrofula, Old Sores, Boils, Ulcers, Inflamed Eyes, Pimples, Blotches, Eruptions, Erysipelas, Diseases of the Skin, Inflammatory Rheumatism, Scald Head, Salt Rheum, Tetter, Diseases of the Liver, * * * and Syphilis in all its forms. * * *"; (circular) "* * * Contagious blood poison (Syphilis.) * * * Scrofula, Rheumatism, Eczema, Erysipelas, Boils, Ulcers, Sores, Pimples or Skin Disease, and Syphilis in all its forms. * * * well-developed case of syphilis, * * * 'I now enjoy good health, owing to Dr. Simpson's medicine.' * * * inflammatory rheumatism, * * * 'It is the greatest catarrh medicine out.' * * * varicose ulcers * * * Blood Poisoning."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, vegetable extract, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements on the bottles and cartons containing the said article and in the circular accompanying the article, regarding the curative and therapeutic effect thereof, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 27, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9630. Misbranding of Monarch cow feed. U. S. * * * v. Monarch Mills, Inc., a Corporation. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 11623. I. S. No. 16194-r.)

On September 14, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Monarch Mills, Inc., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 7, 1919, from the State of Tennessee into the State of Florida, of a quantity of Monarch cow feed which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 22.7 per cent of protein, 4.70 per cent of fat, and 21.2 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Protein 26 per cent, Fat 5 per cent, Fibre 15 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 26 per cent of protein, not less than 5 per cent of fat, and not more than 15 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 26 per cent of protein, not less than 5 per cent of fat, and not more than 15 per cent of fiber, whereas, in truth and in fact, it did contain less than 26 per cent of protein, less than 5 per cent of fat, and more than 15 per cent of fiber.

On November 9, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9631. Misbranding of Dr. A. V. Banes' female pills. U. S. * * * v. Artilens Valerius Banes (Dr. A. V. Banes' Medicine Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 11646. I. S. No. 5946-r.)

On May 25, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dr. Artilens Valerius Banes, trading as the Dr. A. V. Banes' Medicine Co., St. Joseph, Mo., alleging shipment by said defendant, on or about October 14, 1918, in violation of the Food and Drugs Act, as amended, from the State of Missouri into the State of Kansas, of a quantity of Dr. A. V. Banes' female pills which were misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of compounds of calcium, magnesium, and iron, including carbonate and sulphate, mercury, capsicum, sugar, and aloes.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the cartons containing the said article, falsely and fraudulently represented it to be effective as a preventive, treatment, remedy, and cure for disorders of menstruation, nervous headache, pains in back and sides, nervous prostration, general debility, sleeplessness, depression, indigestion, neuralgia, and all scrofulous diseases, and as a treatment for conditions due to change of life, when, in truth and in fact, it was not.

On September 22, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9632. Adulteration and misbranding of ground black pepper. U. S. * * * v. Armour & Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 12466. I. S. No. 5638-r.)

On June 25, 1920, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Armour & Co., a corporation, trading at Louisville, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 20, 1919, from the State of Kentucky into the State of Illinois, of a quantity of ground black pepper which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive ash and sand.

Adulteration of the article was alleged in the information for the reason that substances, to wit, mineral matter and sand, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for ground black pepper, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Ground Black Pepper," borne on the barrel containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article consisted wholly of ground black

pepper, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of ground black pepper, whereas, in truth and in fact, it did not so consist, but did consist in part of mineral matter and sand.

On October 22, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9633. Adulteration and misbranding of cottonseed meal. U. S. * * * v. **Home-Mixture Guano Co., a Corporation.** Plea of guilty. Fine, \$200. (F. & D. No. 12478. I. S. No. 18333-r.)

On August 21, 1920, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Home-Mixture Guano Co., a corporation, Columbus, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 27, 1918, from the State of Georgia into the State of Maine, of a quantity of cottonseed meal which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 33.75 per cent of protein and 16.75 per cent of crude fiber. Examination by the said bureau showed that it contained approximately 34 per cent of cottonseed hulls.

Adulteration of the article was alleged in the information for the reason that it was a product inferior to good cottonseed meal, to wit, a mixture composed in part of cottonseed hulls, prepared in imitation of good cottonseed meal, and mixed in a manner whereby its inferiority to good cottonseed meal was concealed. Adulteration was alleged for the further reason that cottonseed hulls had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for good cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Good Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00% * * * Crude Fibre (maximum) 14.00% * * * Ingredients: Made from upland cotton seed only," borne on the tags attached to the sacks containing the said article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was good cottonseed meal made from cotton seed only and contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was good cottonseed meal, made from cotton seed only, and contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, whereas, in truth and in fact, said article was not good cottonseed meal, made from cotton seed only, but was a mixture made in part from cottonseed hulls and contained less than 36 per cent of protein and more than 14 per cent of crude fiber, to wit, 33.75 per cent of protein and 16.75 per cent of crude fiber. Misbranding was alleged for the further reason that the article was a mixture composed in part of cottonseed hulls, prepared in imitation of good cottonseed meal, and was offered for sale and sold under the distinctive name of another article, to wit, good cottonseed meal.

On December 8, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9634. Misbranding of Brazilian Balm. U. S. * * * v. 101 Bottles 50-Cent Size and 11 Bottles \$1 Size * * * of * * * Brazilian Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12513. I. S. No. 9826-r. S. No. C-1840.)

On March 17, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 101 bottles, 50-cent size, and 11 bottles, \$1 size, of Brazilian Balm, remaining unsold at Cincinnati, Ohio, consigned by the McCullough Drug Co., Lawrenceburg, Ind., February 20, 1920, alleging that the article had been shipped from Lawrenceburg, Ind., and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (\$1 size, bottle label) " * * * Grip, Croup Throat and Lung Troubles, Catarrh asthma, Bronchitis, And Fevers * * * mumps, * * * constipation, piles and all inflammatory conditions * * *"; (50-cent size, bottle label) " * * * Croup, Throat and Lung Troubles Catarrh In Head, Stomach, Bowels, Etc. * * * Asthma, * * * Grip, Pleurisy, Inflammation and Hemorrhage of Lungs, Stomach, Bowels, Wounds, Etc. Wonderful In Fevers. * * * prevents lock jaw. * * * running ears, inflamed eyes, * * * swellings as in mumps, sore throat. * * * Bloating in typhoid * * *"; (both sizes, wrapper) "LaGrippe, Croup, Catarrh, Asthma, Pleurisy, Fevers, * * * Sore Throat, Bronchitis, * * * Inflammations, Lung Troubles * * *"; (small circulars) " * * * Grippe, Catarrh * * * Inflammation Of The Lungs * * * Pneumonia * * * Spanish Influenza * * * Whooping Cough * * * Asthma * * *," " * * * Croup, Pleurisy, Bronchitis, Sore Throat, Sore Lungs, Catarrh, Asthma, and outwardly for Constipation, * * * Mumps * * * Lame Back * * * Grip—Measles * * * hemorrhage of the lungs * * * Fevers * * * 'Typhoid and Pneumonia' * * *"; (large circulars) " * * * Croup, Grip, Sore Throat, Bronchitis, Fevers, * * * Asthma and Catarrh * * * Pneumonia * * * Spanish Influenza * * * Hay Fever * * * Systemic Catarrh * * * Mumps * * * typhoid fever * * * congestion of the lungs, laryngitis and heart failure * * * blood poison * * * Catarrh Of Bowels * * * Sick Headache * * * Typhoid—Pneumonia * * * Colic—Indigestion * * * Female Troubles * * * Consumption * * * Kidney Trouble * * * Constipation * * *," " * * * LaGrippe, Croup, Bronchitis, Pleurisy, Sore Throat, Catarrh, Asthma, Pneumonia, Etc. * * * blood poison * * * Spanish Influenza * * * Hay Fever * * * Systemic Catarrh * * * Bloating * * * Bleeding Lungs, Stomach, Bowels * * * Bleeding Uterus * * * Catarrh Of Lungs * * * Catarrh Of Uterus * * * Constipation * * * Contagious Diseases * * * Fevers * * * Hemorrhage * * * Hemorrhoids * * * Blood Poison * * * Leucorrhœa or Whites * * * Measles * * * Mumps * * * Neuralgia * * * Piles * * * Prophylactic * * * Quinsy * * * Scarlet Fever * * * Sore throat Tonsilitis * * * Tuberculosis * * * Typhoid * * * Whooping Cough * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of vegetable extract, including a trace of berberine, glycerin, sugar, alcohol, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that it contained no ingredient or combination of ingredients capable

of producing the therapeutic effects claimed in the above-quoted statements appearing in the labeling thereof, and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in said statements.

On February 19, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9635. Misbranding of Brazilian Balm. U. S. * * * v. 23½ Dozen Bottles, 25-Cent Size, of Brazilian Balm, et al. Decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12529, 12533. I. S. Nos. 24753-r, 12475-r. S. Nos. C-1864, C-1868.)

On March 24 and 30, 1920, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 23½ dozen bottles, 25-cent size, 36½ dozen bottles, 50-cent size, and 15 dozen bottles, \$1 size, of Brazilian Balm, remaining in the original unbroken packages, in part at Salem and in part at Cleveland, Ohio, alleging that the article had been shipped by B. F. Jackson & Co., from Buffalo and Arcade, N. Y., respectively, on or about January 21 and February 27, 1920, and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of plant extractives, including hydrastis, glycerin, sugar, alcohol, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libels for the reason that certain statements appearing in the labeling of the bottles containing the said article and in accompanying cartons, wrappers, and circulars falsely and fraudulently represented it to be effective for croup, throat and lung troubles, catarrh in the head, stomach, bowels, asthma, grip, pleurisy, inflammation and hemorrhage of lungs, stomach, and bowels, wounds, fevers, running ears, inflamed eyes, swelling as in mumps, sore throat, la grippe, bronchitis, inflammations, piles, sore lungs, constipation, measles, typhoid and pneumonia, systemic catarrh, Spanish influenza, hay fever, bleeding lungs, stomach, and bowels, bleeding uterus, catarrh of lungs, catarrh of uterus, contagious diseases, earache, hemorrhoids, leucorrhea or whites, mumps, neuralgia, quinsy, scarlet fever, tonsillitis, tuberculosis, whooping cough, laryngitis and heart failure, sick headache, serious female troubles, quick consumption, kidney trouble, to prevent lock jaw, and as a prophylactic, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On July 27, 1920, no claimant having appeared for that portion of the product at Cleveland, and on August 10, 1920, the J. H. Lease Drug Co. having entered an appearance as claimant for the property at Salem and having admitted the allegations of the libel and confessed judgment, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9636. Adulteration and misbranding of poppy seeds. U. S. * * * v. 2 Sacks * * * of Poppy Seeds. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12538. I. S. No. 14098-r. S. No. E-2055.)

On April 6, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 sacks, containing 125 pounds and 140 pounds, respectively, of poppy seeds, at Paterson, N. J., alleging that the article had been shipped by Henry Ettinger, New York, N. Y., on or about January 28, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was sold as blue poppy seed.

Adulteration of the article was alleged in the libel for the reason that artificially colored white poppy seeds had been substituted wholly or in part for the said article, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding of the article was alleged for the reason that it was an imitation of another article.

On October 1, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9637. Misbranding of Capitol hog remedy. U. S. * * * v. 84 Cartons, 25-Cent Size, and 24 Cartons, 75-Cent Size, of Capitol Hog Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12608. I. S. Nos. 157-r, 158-r. S. No. E-2074.)

On April 22, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 84 cartons, 25-cent size, and 24 cartons, 75-cent size, of Capitol hog remedy, at Duke, N. C., alleging that the article had been shipped by the Capitol Food Co., Tiffin, Ohio, on or about November 21, 1919, and transported from the State of Ohio into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton, 25-cent size) " * * * Capitol Hog Remedy * * * Superior * * * Remedy For Swine. * * * Recommended for Hog Cholera, Scrofula, Inflammatory and all Contagious Diseases peculiar to swine; purifies the blood; * * * an invaluable remedy for Hog Cholera, Scrofula, Inflammatory conditions and all contagious diseases peculiar to Swine. * * * Cures Indigestion, * * * keeps the Hogs healthy * * * Capitol Hog Remedy insures health * * * A Wonder In The Development Of Swine. Recommended to cure and prevent diseases, produces an extraordinary rapid growth * * * Recommended to cure and prevent Hog Cholera and all contagious diseases peculiar to Swine; * * * restores Hogs to a good healthy condition. Save Your Hogs * * * feed Capitol Hog Remedy * * * regularly for three months, thus insuring no loss whatever from Cholera or any other disease, * * * This will keep them free from disease * * * For Young Pigs * * * will insure a rapid growth and prevent all diseases. * * * For Hog Cholera—As soon as you notice that Hog Cholera has begun on your herd, * * * Give from two to three tablespoonfuls of Capitol Hog Remedy * * *." (The carton of the 75-cent size contained similar statements.)

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a vegetable meal, salt, charcoal, ferrous sulphate, and small amounts of nux vomica, quassia, and worm seed.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9638. Misbranding of butter. U. S. * * * v. Beatrice Creamery Co., a Corporation. Plea of guilty. Fine, \$80 and costs. (F. & D. No. 12793. I. S. Nos. 6759-r, 7574-r, 7575-r, 8851-r.)

On January 21, 1921, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Beatrice Creamery Co., a corporation, Dubuque, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 25, September 8, and September 9, 1919, respectively, from the State of Iowa into the State of Illinois, of quantities of butter which was misbranded.

Examination of samples of the article taken from each of the consignments, by the Bureau of Chemistry of this department, showed that the average net weight was 15.49 ounces, 15.55 ounces, 15.74 ounces, and 15.75 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the respective statements, to wit, "One Pound," "Contents 1 Lb. Net," "One Pound Net," and "1 Lb.," borne on the packages containing the article, regarding the article, were false and misleading in that they represented that each of the said packages contained one pound of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained one pound of the article, whereas, in truth and in fact, each of the said packages did not contain one pound of the article but did contain a less amount. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 30, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9639. Adulteration of green coffee. U. S. * * * v. 67,193 Pounds * * * of Green Coffee. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15166. I. S. No. 4929-t. S. No. C-3122.)

On July 15, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 67,193 pounds, more or less, of green coffee, at Chicago, Ill., alleging that the article had been shipped from San Francisco, Calif., on May 27, 1921, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy vegetable substance, and for the further reason that it consisted wholly or in part of a decomposed vegetable substance.

On July 22, 1921, the United States attorney having petitioned the court for an order authorizing and directing the condemnation and destruction of the product in that it was of a perishable character, was rapidly deteriorating in quality, and was in a condition to constitute a nuisance at the warehouse where it was stored, it was ordered by the court that the said product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9640. Adulteration and misbranding of gelatin. U. S. * * * v. 1 Barrel of Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9778. I. S. No. 6076-r. S. No. C-1085.)

On February 26, 1919, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of gelatin, at Pine Bluff, Ark., consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about November 2, 1918, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (barrel) "Technical Gelatine."

Adulteration of the article was alleged in substance in the libel for the reason that glue and an excessive amount of zinc had been mixed and packed with, and substituted wholly or in part for, gelatin. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, zinc, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the statement "Gelatine" was false and misleading, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, since it was purchased by the consignee as "A-1 Gelatine."

On October 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9641. Adulteration and misbranding of Daisy dairy feed. U. S. * * * v. 50 Sacks of Daisy Dairy Feed. Decree ordering release of product under bond. (F. & D. No. 10037. I. S. No. 7490-r. S. No. C-1161.)

On April 26, 1919, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 sacks of Daisy dairy feed, at Conway, Ark., consigned by the Sutherland Flour Mills Co., Cairo, Ill., alleging that the article had been shipped from Cairo, Ill., March 21, 1919, and transported from the State of Illinois into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (On tag) "100 Lbs. High Grade Milk Producing Daisy Dairy Feed Made from Ground Corn, Wheat Bran, Wheat Screenings, Alfalfa Meal, Oat Feed and Molasses. Guaranteed analysis protein 13.25%, fat 3.50 %, fibre, 12.50%, carbohydrates, 55%. Sutherland Flour Mills Company, Cairo, Illinois."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and high in fiber had been mixed and packed with, and substituted wholly or in part for, an article containing the percentage of protein, fat, and fiber indicated on the tag.

Misbranding was alleged for the reason that the above-quoted statements on the tag were false and misleading.

On June 21, 1919, the Sutherland Flour Mills, Cairo, Ill., having entered an appearance as claimant for the property, it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9642. Misbranding of cottonseed meal. U. S. * * * v. Lookout Oil & Refining Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 11130. I. S. No. 10706-r.)

On September 14, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lookout Oil & Refining Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 24, 1919, from the State of Tennessee into the State of Indiana, of a quantity of cottonseed meal which was misbranded. The article was labeled in part, "Canary Brand Cotton Seed Meal High Grade."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 37.8 per cent of protein and 14.18 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements appearing on the label of the sacks containing the said article, to wit, "Protein 41 to 43% * * * Crude Fibre 8 to 10%," were false and misleading in that they represented to purchasers of the article that it contained not less than 41 per cent of protein and not more than 10 per cent of fiber, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 41 per cent of protein and not more than 10 per cent of crude fiber, whereas, in fact and in truth, it contained less than 41 per cent of protein and more than 10 per cent of crude fiber.

On November 9, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9643. Misbranding of Knoxit. U. S. * * * v. 37 Bottles of Knoxit * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12119. I. S. No. 8996-r. S. No. C-1686.)

On January 25, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 bottles of Knoxit, at Little Rock, Ark., alleging that the article had been shipped by the Beggs Mfg. Co., Chicago, Ill., on or about August 1, 1919, and transported from the State of Illinois into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of a water solution of glycerin, zinc acetate, and extractives from hydrastis.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing in the labeling of the bottles and cartons and in an accompanying circular falsely and fraudulently led the purchaser and user to believe, and held out hope to the purchaser and user thereof, that the said article was a true prophylactic against the contraction of local infectious diseases and particularly against the contraction of gonorrhea, sometimes known

as a local infectious disease, when, in truth and in fact, it contained no ingredients or mixture of ingredients capable of producing the effects claimed.

On October 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9644. Adulteration of evaporated apples. U. S. * * * v. 30 Boxes * * * of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. 12131. I. S. No. 8473-r. S. No. C-1705.)

On or about February 5, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 boxes, more or less, of evaporated apples, at Little Rock, Ark., alleging that the article had been shipped by J. W. Teasdale & Co., St. Louis, Mo., on or about December 30, 1919, and transported from the State of Missouri into the State of Arkansas, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was adulterated with excessive amounts of water, in violation of the Food and Drugs Act, paragraphs 1 and 2 under "Foods."

On October 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9645. Misbranding of The Texas Wonder. U. S. * * * v. 12 Dozen Bottles and 1 Gross Bottles * * * of Drug Products. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12993, 13043. I. S. Nos. 1601-t, 1607-t. S. Nos. C-2008, C-2039.)

On or about July 3 and 16, 1920, respectively, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 12 dozen bottles and 1 gross bottles, more or less, of drug products, at Houston, Tex., alleging that the article had been shipped by G. Nash, St. Louis, Mo., on or about June 21, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "A Texas Wonder Hall's Great Discovery Contains 43% Alcohol Before Diluted. 5% after diluted. The Texas Wonder, Hall's Great Discovery, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism, Gravel, Regulates Bladder Trouble in Children * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, oil of turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the label of the carton, regarding the curative or therapeutic effect of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On October 16, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9646. Misbranding of Dr. Burkhart's vegetable compound. U. S. * * * v. 288 Packages, et al., of Dr. Burkhart's Vegetable Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13104, 13105. I. S. Nos. 10102-t, 10103-t. S. Nos. W-633, W-635.)

On July 28, 1920, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 329 packages, 25-cent size, 107 packages, 50-cent size, and 31 packages, \$1 size, of Dr. Burkhart's vegetable compound, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in part by W. S. Burkhart, Cincinnati, Ohio, and in part by the Block Drug Co., Brooklyn, N. Y., April 17, 1920, and July 9, 1919, respectively, and transported from the States of Ohio and New York, respectively, into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton, 25-cent and 50-cent sizes) "* * * recommended for Kidney and Liver Disease, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia, * * * and all Syphilitic Diseases"; (carton, \$1 size) "Recommended for Blood Diseases, such as Rheumatism, Kidney and Liver Diseases, Fever and Ague, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, * * * Indigestion, Neuralgia, Nervous Affection, Dyspepsia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a pill consisting essentially of aloes, capsicum, and plant extractives, including a resin-bearing drug.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effect thereof, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 20, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9647. Adulteration of canned salmon. U. S. * * * v. 1,248 Cases * * * and 28 Cans of * * * Alaska Pink Salmon. Consent decree of condemnation and forfeiture. Product delivered to State fish commissioner for fish food. (F. & D. No. 14115. I. S. No. 6548-r. S. No. W-820.)

On December 22, 1920, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,248 cases, each containing 48 one-pound cans, and 28 cans of Alaska pink salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from New Orleans, La., on April 28, 1920, and transported from the State of Louisiana into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, (can) "Alaska Pink Salmon Packed by Southern Alaska Canning Co., Seattle, U. S. * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed animal substance.

On February 28, 1921, the Southern Alaska Canning Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the State fish commissioner for use in the State fish hatcheries.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9648. Misbranding of Egyptian regulator tea. U. S. * * * v. 11 Large and 25 Small Packages of * * * Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14436. I. S. No. 10564-t. S. No. W-870.)

On February 9, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 large and 25 small packages of Egyptian regulator tea, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Kells Co., Newburgh, N. Y., March 19, 1920, and transported from the State of New York into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (White circular, both sizes) "Egyptian Regulator Tea * * * A Speedy and Positive relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness * * * Nature's Own Gift To Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent people, whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption, Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * malaria * * * killing the Disease Germs * * * Heart Troubles, Paralysis, Rheumatism, Gout, * * * Apoplexy"; (blue wrapper, small size) "Egyptian Regulator Tea A Remedy For * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney trouble"; (blue wrapper, large size) "Egyptian Regulator Tea An Excellent Remedy For * * * Dyspepsia, * * * Rheumatism, Nervousness, Liver Complaints, Sick Headache, Also Corpulency, etc. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of senna, coriander, dog grass, licorice root, ginger, sambucus, cinnamon, and dandelion root.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effects thereof, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On May 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9649. Misbranding of DuBois Pecific pills. U. S. * * * v. 60 Dozen Bottles of * * * DuBois Specific (Pecific) Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14689. I. S. No. 10554-t. S. No. W-903.)

On March 30, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 dozen bottles of DuBois Specific (Pecific) pills, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by W. J. Baumgartner, Detroit, Mich., on or about

November 22, 1920, and transported from the State of Michigan into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "DuBois Pills * * * Reliable Female Tonic and Regulator. * * * a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * a female tonic exerting helpful medicinal action over the female organs. * * * of utmost value in assisting in the relieving of pain, due to leucorrhea, etc., and regulating the menses. * * * suppressed menstruation, painful menstruation, * * * for leucorrhea * * * In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure. * * * When the period is irregular * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and ferrous sulphate, coated with calcium carbonate and sugar.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effects thereof, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9650. Adulteration and misbranding of cottonseed cake. U. S. * * * v. Warren Cotton Oil and Mfg. Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 9316. I. S. No. 19708-m.)

On November 16, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Warren Cotton Oil and Mfg. Co., a corporation, Warren, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 15, 1916, from the State of Arkansas into the State of Iowa, of a quantity of cottonseed cake which was adulterated and misbranded. The article was unlabeled and was sold as good 7 per cent ammonia cottonseed cake.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained 6.40 per cent of ammonia.

Adulteration of the article was alleged in the information for the reason that a substance containing less than an equivalent of 7 per cent of ammonia had been substituted in whole or in part for 7 per cent ammonia cottonseed cake, which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents of the packages containing the same was not plainly and conspicuously marked on the outside thereof in terms of weight and measure.

On April 15, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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